

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 21 2013 ★

X BROOKLYN OFFICE

JOHN F. GANGEMI,

CV 13 CV. 4709

Plaintiff,

-against- MATSUMOTO, J.
BOARD OF ELECTIONS IN THE CITY OF
NEW YORK

POLLAK, M.J.
Defendant

DECLARATION IN
SUPPORT OF MOTION
FOR INJUNCTIVE
AND DECLARATIVE
RELIEF

X

JOHN F. GANGEMI declares the following under penalty of perjury pursuant to 28 USC section 1746:

1. I am the Plaintiff in this action. I have brought this action for declaratory and injunctive relief to redress the deprivation of my constitutional rights, specifically the denial of due process of law pursuant to 42 U.S.C. §1983 and the First and Fourteenth Amendments to the United States Constitution. A copy of the Complaint is annexed hereto as Exhibit A. I make this Declaration in support of my motion for declaratory and injunctive relief based on my personal knowledge.

2. I am seeking to become a candidate on the ballot for the Democratic Party nomination for the public office of Borough President of the Borough of Brooklyn in the City of New York for the primary election to be held on September 10, 2013 and for the general election to be held in November 2013.

3. My campaign filed Petitions with a Cover Sheet on July 10, 2013 for my candidacy with the Defendant Board of Elections for the public office of President of the Borough of Brooklyn in the City of New York for the Democratic Primary on September 10, 2013. Cover sheet annexed hereto as Exhibit B. The New York City Board of Elections is the local agency charged by the Election Law of the State of New York to conduct elections in the City of New York and determinate ballot qualification for candidates for public office, which has acted herein at all times under color state law. On July 11, 2013, my campaign filed an Amended Cover Sheet with additional volumes of Petitions. First Amended Cover Sheet annexed hereto as Exhibit C.

4. On July 11, 2013, I received notification from the Board of Elections dated July 10, 2013 that I had qualified as candidate for the Democratic Party primary to be held on September 10, 2013 for the public office of President of the Borough of Brooklyn in the City of New York. I thereupon executed a notarized Certificate of Acceptance on July 11, 2013 and duly filed same with the Board of Elections. Notification and Certificate of Acceptance annexed hereto as Exhibit D.

5. On July 15, 2003, the Board of Elections sent my campaign a Non-Compliance Notice relating to the Amended Cover Sheet, wherein of the 16 potential categories provided on the notice, the alleged defect was solely and

exclusively a claim that Petition (KG1301124) was not a filed volume. Copy of this Notice is annexed as Exhibit E.

6. On July 17, 2013, in response to the July 15, 2013 Non-Compliance Notice, my campaign filed a Second Amended Cover Sheet fully complying with the Notice by removing the unfiled volume. This Second Amended Cover Sheet was in the same form as the prior Amended Cover Sheet. However, the Second Amended Cover Sheet claimed an additional volume (KG1301377) that I had recently discovered which contained 77 signatures for my candidacy. Second Amended Cover Sheet annexed hereto as Exhibit F.

7. On July 19, 2013, the Board of Elections issued a notice to my campaign indicating that I will not appear on the ballot since the Second Amended Cover Sheet did not comply with the Election Law and Rules because it allegedly:

- a) did not contain the authentication required by Rule C4; and
- b) Candidate claimed Petition Volume on which he did not appear.

Notice annexed hereto as Exhibit G.

8. Upon information and belief, the July 19, 2013 meeting of the Cover Sheet Review Committee that made the determination was made at a general Public Meeting Notice on one day notice without indication of an opportunity to be heard or any specific notation as to who was to be on notice of any deprivation. Copy of Public Meeting notice is annexed hereto as Exhibit H

9. The July 19, 2013 Notice was generated pursuant to Rule D6, which states that such a letter will be issued in response to a failed attempt to cure a notice of non-compliance. However, the sole defect from the sole non-compliance letter, dated July 15, 2013, was cured by the July 17, 2013 Second Amended Cover Sheet. The Calendar & Designating Rules for September 10, 2013 Primary are annexed hereto as Exhibit I.

10. Under the explicit language of Rule D6, the July 19, 2013 Notice had to be a determination that the Candidate was not in compliance with the previous Notice of Non-Compliance. The July 19, 2013 Notice was not such a determination because it relied on matters not in the July 15, 2013 Non-Compliance.

11. The July 19, 2013 determination Notice was the first time that the Board indicated an Amended Cover Sheet did not contain the proper authentication language and no notice to cure or notice of non-compliance was provided by the Board of Elections to Candidate on this issue. The July 15, 2013 Non-Compliance Notice failed to indicate this deficiency and the First Amended Cover Sheet and Second Amended Cover Sheet both have the same form and language. There is a specific provision (#12) in the standard Non-Compliance Letter, which was not checked on July 15, 2013. I relied on the lack of notice in the July 15, 2013 Non-Compliance Notice in failing to add the certification language to the Second Amended Cover Sheet.

12. The July 19, 2013 determination Notice was the first and only time that the Board indicated that Volume KG1301377 was a Petition Volume that my name does not appear and no notice to cure or notice of non-compliance was provided by the Board of Elections to me on this issue as required by Election Law section 6-134(2)(d)(2) &(3).

13. In fact, my name does appear in Volume KG1301377 on 10 pages (pages 137 to 144 and 151 to 152 therein) of that volume and the Board of Elections' deficiency assertion was otherwise erroneous. Copy of these 10 pages of signatures from that volume are annexed hereto as Exhibit J.

14. I was not provided with adequate and sufficient notice and opportunity to appear and be heard on the issue of the deprivation of my position on the ballot for the public office of Brooklyn Borough President, both as to the July 19, 2013 meeting and the alleged defects that arose for the first time at that meeting..

15. Notwithstanding the failure of the Board of Elections to provide Notice of Non-Compliance pursuant to Election Law 6-134(2)(d)(2) &(3), on July 24, 2013, within 3 (three) business days of receipt of the July 19, 2013 Notice, My campaign submitted a letter with exhibits explaining my position and requesting acceptance of a further conforming Amended Cover Sheet. Copy of Letter (without Exhibits) annexed hereto as Exhibit K.

16. Notwithstanding failure of the Board of Elections to provide Notice of

Non-Compliance pursuant to Election Law 6-134(2)(d)(2) &(3), on July 24, 2013, within 3 (three) business days of receipt of the July 19, 2013 Notice, I filed a Third and Fourth Amended Cover Sheet (nearly simultaneously with the Fourth covering an omission in the Third), that provided the added certification language and provided clarification of the page numbers for the signatures in Volume KG1301377. Third and Fourth Cover Sheets annexed hereto as Exhibit L.

17. The Board of Elections failed to respond or otherwise deal with the request my campaign made on July 24, 2013. The Board of Elections failed to reject or otherwise deal with the curative Fourth Amended Cover Sheet I filed on July 24, 2013.

18. The Board, through its General Counsel's Office, by email of June 22, 2013, conceded that there was no procedure for obtaining a review of this erroneous determination. However, General Counsel indicated that my campaign could seek recognition before the Board to seek review of the determination. Email chain annexed hereto as Exhibit M.

19. On July 31, 2003, my campaign representatives appeared before the Board of Elections at a Public Hearing to seek a re-determination and argued the above facts and after extensive argument, the Board of Elections voted and determined unanimously that I would not appear on the ballot solely on a

determination that Plaintiff's Second Amended Cover Sheet was defective¹. The July 31, 2013 Notice of Hearing was specific as its agenda and who would be heard and indicated that there would be an opportunity to be heard. Copy of July 31, 2013 Public Hearing Notice annexed hereto as Exhibit N. Notice of July 31, 2013 Hearing is also provided on the first page of the rulebook handed to each candidate at the Board of Elections, see Exhibit I.

20. I commenced action in New York Supreme Court, Kings County, to validate his Petition, but was denied by Order of Justice David I. Schmidt on June 8, 2013. Copy of Order annexed hereto as Exhibit O. Plaintiff sought review in the Appellate Division of Supreme Court, which Court affirmed by Order of August 14, 2013. Copy of Order annexed hereto as Exhibit P.

21. No previous application has been made to this or any other Court for the relief sought herein.

WHEREFORE, I pray that this Court advance this case on the docket, order a speedy hearing at the earliest practicable date, and to cause this case to be in every way expedited and upon such hearing to:

¹ Objector Respondents had also filed Specifications claiming that I did not have the requisite 2,000 signatures necessary for the Office sought. The Board did not reach that issue. The Board's Report indicated that it found 1,807 valid signatures. At the July 31, 2013 hearing before the Board, my campaign indicated that it had identified approximately 450 signatures that were wrongfully excluded because of alleged unregistered subscribing witnesses, who were in fact registered. Those 450 signatures would have brought Plaintiff to approximately 2,257 signatures, which would bring me over the necessary minimum number, even before a line-by-line analysis was undertaken. Clearly, aside from the technicalities in the Cover Sheet, I otherwise qualified for the ballot and, on remand to the Board of Elections, the issue will be borne out.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JOHN F. GANGEMI,

CV.

Plaintiff,

-against-

BOARD OF ELECTIONS IN THE CITY OF
NEW YORK

COMPLAINT FOR
FOR INJUNCTIVE
AND DECLARATIVE
RELIEF

:
Defendant

-----X

NATURE OF THIS ACTION

1. This action is brought by the plaintiff for declaratory and injunctive relief to redress the deprivation of rights secured to the plaintiff, specifically denial of due process of law pursuant to 42 U.S.C. §1983 and the First and Fourteenth Amendments to the United States Constitution.

JURISDICTION

2. Jurisdiction over this action is conferred upon this court pursuant to 28 U.S.C. §§1333(3) and 1333(4) conferring original jurisdiction upon this court of any civil action to recover damages or to secure equitable relief under any act of Congress providing for the protection of civil rights and pursuant to 42 U.S.C. §1983.

VENUE

3. Venue is appropriate in the Eastern District of New York pursuant to 28 U.S.C. §1391 (b) and (c) because the plaintiff is resident in this judicial district, a substantial part of the plaintiff's claims have emerged from the district, and the defendant city agency and have sufficient contacts to be subject to personal jurisdiction within the district.

THE PLAINTIFF

4. The plaintiff is John F. Gangemi. Mr. Gangemi is an attorney licensed in the State of New York who is seeking to become a candidate on the ballot for the Democratic Party nomination for the public office of Borough President of the Borough of Brooklyn in the City of New York for the primary election to be held on September 10, 2013 and for the general election to be held in November 2013

THE DEFENDANT

5. The defendants is the New York City Board of Elections, the local agency charged by the Election Law of the State of New York to conduct elections in the City of New York and determinate ballot qualification for candidates for public office, which has acted herein at all times under color of state law.

FACTS

6. Plaintiff-Candidate filed Petitions with a Cover Sheet on July 10, 2013 for his candidacy with the Defendant Board of Elections for the public office of President of the Borough of Brooklyn in the City of New York for the Democratic Primary on September 10, 2013. On July 11, 2013, Plaintiff filed an Amended Cover Sheet with additional volumes of Petitions.

7. On July 11, 2013, Plaintiff received notification from the Board of Elections dated July 10, 2013 that he had qualified as candidate for the Democratic Party primary to be held on September 10, 2013 for the public office of President of the Borough of Brooklyn in the City of New York. Plaintiff thereupon executed a notarized Certificate of Acceptance on July 11, 2013 and duly filed same with the Board of Elections.

8. On July 15, 2003, the Board of Elections sent Plaintiff a Non-Compliance Notice relating to this Amended Cover Sheet, wherein of the 16 potential categories provided on the notice, the alleged defect was solely and exclusively a claim that Petition (KG1301124) was not a filed volume.

9. On July 17, 2013, in response to the July 15, 2013 Non-Compliance Notice, Plaintiff filed a Second Amended Cover Sheet fully complying with the Notice by removing the unfiled volume. This Second Amended Cover Sheet was in the same form as the prior Amended Cover Sheet. However, the Second Amended

Cover Sheet claimed an additional volume (KG1301377) that Plaintiff had recently discovered which contained 77 signatures for his candidacy.

10. On July 19, 2013, the Board of Elections issued a notice to Plaintiff indicating he will not appear on the ballot since the Second Amended Cover Sheet did not comply with the Election Law and Rules because it allegedly:

- a) did not contain the authentication required by Rule C4; and
- b) Candidate claimed Petition Volume on which he did not appear.

11. The July 19, 2013 Notice was generated pursuant to Rule D6, which states that such a letter will be issued in response to a failed attempt to cure a notice of non-compliance. However, the sole defect from the sole non-compliance letter, dated July 15, 2013, was cured by the July 17, 2013 Second Amended Cover Sheet.

12. Under the explicit language of Rule D6, the July 19, 2013 Notice had to be a determination that the Candidate was not in compliance with the previous Notice of Non-Compliance. The July 19, 2013 Notice was not such a determination because it relied on matters not in the July 15, 2013 Non-Compliance.

13. The July 19, 2013 Notice was the first time that the Board indicated an Amended Cover Sheet did not contain the proper authentication language and no notice to cure or notice of non-compliance was provided by the Board of Elections to Candidate on this issue. The July 15, 2013 Non-Compliance Notice failed to indicate this deficiency and the First Amended Cover Sheet and Second Amended

Cover Sheet both have the same form and language. There is a specific provision (#12) in the standard Non-Compliance Letter, which was not checked on July 15, 2013. Candidate relied on the lack of notice in the July 15, 2013 Non-Compliance Notice in failing to add the certification language to the Second Amended Cover Sheet.

14. The July 19, 2013 Notice was the first and only time that the Board indicated that Volume KG1301377 was a Petition Volume that Candidate's name does not appear and no notice to cure or notice of non-compliance was provided by the Board of Elections to Candidate on this issue as required by Election Law section 6-134(2)(d)(2) &(3).

15. In fact, Plaintiff's name does appear in Volume KG1301377 on 10 pages (pages 137 to 144 and 151 to 152 therein) of that volume and the Board of Elections' assertion was otherwise erroneous.

16. Plaintiff was not provided with adequate and sufficient notice and opportunity to appear and be heard on the issue of the deprivation of his position on the ballot for the public office of Brooklyn Borough President.

17. Notwithstanding the failure of the Board of Elections to provide Notice of Non-Compliance pursuant to Election Law 6-134(2)(d)(2) &(3), on July 24, 2013, within 3 (three) business days of receipt of the July 19, 2013 Notice, Plaintiff submitted a letter with exhibits explaining his position and requesting acceptance of

a further conforming Amended Cover Sheet.

18. Notwithstanding failure of the Board of Elections to provide Notice of Non-Compliance pursuant to Election Law 6-134(2)(d)(2) &(3), on July 24, 2013, within 3 (three) business days of receipt of the July 19, 2013 Notice, Plaintiff filed a Third and Fourth Amended Cover Sheet (nearly simultaneously with the Fourth covering an omission in the Third), that provided the added certification language and provided clarification of the page numbers for the signatures in Volume KG1301377.

19. The Board of Elections failed to respond or otherwise deal with the request made by Plaintiff on July 24, 2013. The Board of Elections failed to reject or otherwise deal with the curative Fourth Amended Cover Sheet filed by Plaintiff on July 24, 2013.

20. The Board, through its General Counsel's Office, by email of June 22, 2013, conceded that there was no procedure for obtaining a review of this erroneous determination. However, General Counsel indicated that Plaintiff could seek recognition before the Board to seek review of the determination.

21. On July 31, 2003, Plaintiff appeared before the Board of Elections and argued the above facts and after extensive argument, the Board of Elections voted and determined unanimously that Candidate will not appear on the ballot solely on a

determination that Plaintiff's Second Amended Cover Sheet was defective¹.

22. Plaintiff commenced action in New York Supreme Court, Kings County, to validate his Petition, but was denied by Order of Justice David I. Schmidt on June 8, 2013. Plaintiff sought review in the Appellate Division of Supreme Court, which Court affirmed by Order of August 14, 2013

WHEREFORE, plaintiff prays that this Court advance this case on the docket, order a speedy hearing at the earliest practicable date, and to cause this case to be in every way expedited and upon such hearing to:

1. Declare Defendant's conduct to be in violation of the statute alleged herein;
2. Provide injunctive relief by enjoining the defendant from excluding the Plaintiff from the ballot for the Democratic Party nomination for the public office of Borough President of the Borough of Brooklyn in the City of New York at the primary election to be held on September 10, 2013 and for the general election to be held in November 2013;

¹ Objector Respondents had also filed Specifications claiming that Plaintiff did not have the requisite 2,000 signatures necessary for the Office sought. The Board did not reach that issue. The Board's Report indicated that it found 1,807 valid signatures. At the July 31, 2013 hearing before the Board, Plaintiff indicated that it had identified approximately 450 signatures that were wrongfully excluded because of alleged unregistered subscribing witnesses, who were in fact registered. Those 450 signatures would have brought Plaintiff to approximately 2,257 signatures, which would bring Plaintiff over the necessary minimum number, even before a line-by-line analysis was undertaken. Clearly, aside from the technicalities in the Cover Sheet, Plaintiff otherwise qualified for the ballot and, on remand, the issue will be borne out.

3. Award Plaintiff costs and attorney's fees; and
4. Grant such other relief as it may deem just and proper.

Dated: New York, N.Y.
August 20, 2013

Respectfully submitted:

JOHN F. GANGEMI PLLC

BY: _____

John F. Gangemi
Attorney Pro Se/Plaintiff
9920 Fourth Avenue, Suite 307
Brooklyn, New York 11209
(718) 234-2244

TO: BOARD OF ELECTIONS IN THE CITY OF NEW YORK
Respondent
32-42 Broadway
New York, New York 10004



<small>RECEIVED J.O. BD. OF ELECTIONS IN THE CITY OF NEW YORK 32 BROADWAY</small>		COVER SHEET G.O. BD. OF ELECTIONS IN THE CITY OF NEW YORK 32 BROADWAY
Designating and Independent Petitions <small>2013 JUL 24 PM 3:31</small>		
<small>2013 JUL 24 PM 3:31 Filed In New York City</small>		
and Counties which Utilize Petition Identification Numbering System		
Democratic Party		
Name of Candidate	Public Office or Party Position	Residence Address (Also mailing address if different)
John F. Gangemi	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, NY 11228

Total Number of Volumes in Petition 8 K61301119, K61301121
 Identification Numbers K61301130, K61301120, K61301129, K61301118, K61301117, K61301116

The petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

Contact Person to Correct Deficiencies:

Name: Frank Morano
(please print)

Residence Address: 1026 Sinclair Ave
Staten Island, NY 10309
(also mailing address if different)

Phone: 347-742-7902

Fax: _____

(Include if notice by fax desired)

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

Frank R. Morano
Candidate or Agent

RECEIVED
BOARD OF ELECTIONS
THE CITY OF NEW YORK
32 BROADWAY

RECEIVED
G.O. BD. OF ELECTIONS
IN THE CITY OF NEW YORK
32 BROADWAY



AMENDED COVER SHEET

**Designating and Independent Petitions
Filed In New York City
and Counties which Utilize Petition Identification Numbering System**

DEMOCRATIC PARTY

RECEIVED
G.O.BD. OF ELECTIONS
IN THE CITY OF NEW YORK
32 BROADWAY

2013 JUL 11 PM 6:30

Name of Candidate	Public Office or Party Position	Residence Address (Also mailing address if different)
JOHN F. GANGEMI	PRESIDENT OF THE BOROUGH OF BROOKLYN OF THE CITY OF NEW YORK	1040 84TH STREET BROOKLYN, NY 11228

Total Number of Volumes in Petition 14

Identification Numbers KG-1301130, KG-1301120, KG-1301129, KG-1301118, KG-130111
KG-1301127, KG-1301128, KG-1301119, KG-1301135, KG-130111
KG-1301124, KG-1301121, KG-1301131, KG-1301122

The petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

Contact Person to Correct Deficiencies:

Name: <u>FRANK MORANO</u> (please print)	RECEIVED G.O.BD. OF ELECTIONS IN THE CITY OF NEW YORK 32 BROADWAY
Residence Address: <u>1026 SINCLAIR AVE</u> <u>STATEN ISLAND, NY 10309</u> (also mailing address if different)	2013 JUL 17 AM 11:36
Phone: <u>347-742-7902</u>	Fax: _____ (Include if notice by fax desired)

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

Candidate or Agent: Frank Morano

"4"



FREDERIC M. UMANE
PRESIDENT

GREGORY C. SOUMAS
SECRETARY

JOSE MIGUEL ARAUJO
NAOMI BARRERA
JULIE DENT
MARIA R. GUASTELLA
MICHAEL MICHEL
SIMON SHAMOUN
J.P. SIPP

COMMISSIONERS



EXECUTIVE DIRECTOR

DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
NEW YORK, NY 10004 -1609
(212) 487-5300
FAX (212) 487-5349
www.vote.nyc.ny.us

TROY JOHNSON
COORDINATOR
CANDIDATE RECORDS UNIT

7/10/2013

John F. Gangemi
1040 84 Street
Brooklyn, NY 11228

Dear Candidate John F. Gangemi:

You are hereby notified that a petition has been filed with this agency designating you as a candidate of the Democratic Party, for the Office of Borough President - Kings, in the City of New York to be voted for at the Primary Election 2013 - 09/10/2013. Your name shall appear on the ballot as it appears on this notice.

Pursuant to New York State Election Law § 6-146(1):

"Acceptance or declination of designation of nomination. A person designated as a candidate for nomination or for party position, or nominated for an office otherwise than at a primary election, may, in a certificate signed and acknowledge by him, and filed as provided in this article, decline the designation or nomination; provided, however, that, if designated or nominated for public office other than a judicial office by a party of which he is not a duly enrolled member, or if a designated or nominated for a public office other than a judicial office by more than one party or independent body or by an independent body alone, such person shall, in a certificate signed and acknowledged by him, and filed as provided in this article accept the designation or nomination as a candidate of each such party or independent body other than that of the party in which he is an enrolled member, otherwise such designation or nomination shall be null and void."

Pursuant to § 6-158 of the New York State Election Law, the last day to file such acceptance or declination is **Monday, July 15, 2013**.

Please be aware that pursuant to Article 14 of the New York State Election Law, candidates and political committees are required to file statements disclosing information about contributions received and expenditures made in connection with an election.

Very truly yours,

A handwritten signature in black ink, appearing to read "Troy Johnson".

Troy Johnson
Coordinator
Candidates Record Unit

CERTIFICATE OF ACCEPTANCE

(Section 6-146, Election Law)

I, John F. Gangemi, residing at
(Candidate's Name)

1040 - 84th Street, Brooklyn, New York 11228
(Address)

having been designated/nominated by the Democratic Party
(Name of Party)

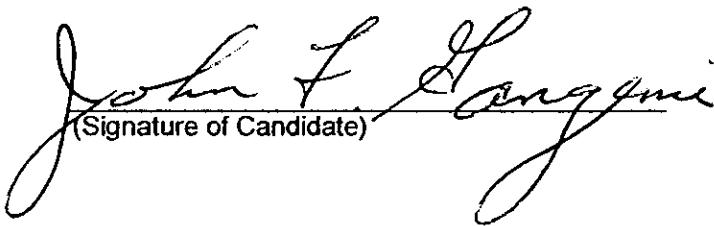
Party, as a candidate for the office of Brooklyn Borough President
(Title of Office and Political Subdivision)

district, do hereby ACCEPT such designation/nomination and
(District Number if any)

consent to be such candidate of such party at a Primary Election
(Special/Primary/General)

election to be held on September 10, 2013.

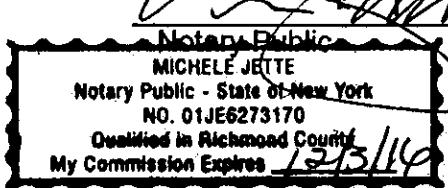
July 11, 2013
(Date)


(Signature of Candidate)

State of New York :

County of Kings : ss:

On this 11th day of July, 2013, before me personally appeared John F. Gangemi, to me known and known to me to be the individual described therein, and who executed the foregoing instrument, and acknowledged to me that he/she executed the same.





FREDERIC M. UMANE
PRESIDENT

GREGORY C. SOUMAS
SECRETARY

JOSE MIGUEL ARAUJO

NAOMI BARREIRA

JULIE DENT

MARIA R. GUASTELLA

MICHAEL MICHEL

SIMON SHAMOUN

J.P. SIPP

COMMISSIONERS



EXECUTIVE DIRECTOR

DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
NEW YORK, NY 10004-1609
(212) 487-5300
www.vote.nyc.ny.us

STEVEN H. RICHMAN
GENERAL COUNSEL
Tel: (212) 487-5338
Fax: (212) 487-5342
E-Mail:
srichman@boe.nyc.ny.us

July 15, 2013

Frank Morano
1026 Sinclair Ave
Staten Island, NY 10309

Candidate's Name: John F. Gangemi

Party: Democratic

Office: Borough President

District: Kings County – City of New York

Dear Sir/Madam:

Please be advised that your cover sheet fails to comply with the New York State Board of Elections Regulations, 9NYCRR §6215, or this Board's Rules for Designating/Opportunity to Ballot Petitions adopted on April 16, 2013, for the following reason(s):

- 1. No cover sheet filed.
- 2. Cover sheet attached to petition.
- 3. Name of Party omitted from cover sheet.
- 4. Number of volumes omitted from cover sheet.
- 5. Number of volumes claimed doesn't agree with claimed identification numbers on cover sheet.
- 6. No identification number(s) claimed on cover sheet.
- 7. Incorrect identification number(s) on cover sheet.
- 8. Cover sheet omits statement that the petition contains the number of valid signatures required by the Election Law.

"3"

- 9. Candidate name omitted from cover sheet.
- 10. Candidate address omitted from cover sheet.
- 11. Office and/or district omitted from cover sheet.
- 12. Amended cover sheet is not certified.
- 13. County committee schedule omitted.
- 14. County committee schedule does not conform to regulations.
- 15. Some candidates for county committee have no page numbers on the schedule. Those candidates are removed unless the defect is cured.
- 16. **Other: Petition Identification Number KG1301124 not filed.**

This defect may be cured within three (3) business days of the date of this letter by the filing of an amended cover sheet. Amended cover sheets must be filed in person only at the Executive Office, 32 Broadway, 7th Floor, Borough of Manhattan, New York.

Failure to file the amended cover sheet within the three (3) day period shall be a **FATAL DEFECT**.

Very Truly Yours,

THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK



RECOMMENDED COVER SHEET

Designating and Independent Petitions
Filed In New York City
and Counties which Utilize Petition Identification Numbering Systems

DEMOCRATIC PARTY

Name of Candidate	Public Office or Party Position	Residence Address (Also mailing address if different)
JOHN F. GANGEMI	PRESIDENT OF THE BOROUGH of BROOKLYN of THE CITY OF NEW YORK	1040 84 TH STREET BROOKLYN, N.Y. 11228

Total Number of Volumes in Petition 14

Identification Numbers KG 1301130, KG 1301120, KG 1301129, KG 1301118,
KG 1301117, KG 1301127, KG 1301128, KG 1301119
KG 1301135, KG 1301136, KG 1301121, KG 1301131,
KG 1301122, KG 1301377

The petition contains the number, or in excess of the number, of valid signatures required by the Election Law.

Contact Person to Correct Deficiencies:

Name:	<u>FRANK MORAND</u>	<small>G.O.B.D. OF ELECTION RECEIVED IN THE CITY OF NEW YORK 32 BROADWAY</small> <small>2013 JUL 17 AMPT: 36</small>
(please print)		
Residence Address:	<u>1026 SINCLAIR AVENUE</u>	
	<u>STATE N ISLAND, N.Y. 10305</u>	
	(also mailing address if different)	

Phone: 347-742-7902 Fax: _____
(Include if notice by fax desired)

I hereby authorize that notice of any determination made by the Board of Elections be transmitted to the person named above:

Frank Morand
Candidate or Agent

"2"

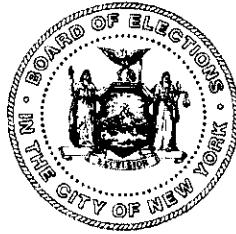


FREDERIC M. UMANE
PRESIDENT

GREGORY C. SOUMAS
SECRETARY

JOSE MIGUEL ARAUJO
NAOMI BARRERA
JULIE DENT
MARIA R. GUASTELLA
MICHAEL MICHEL
SIMON SHAMOUN
J.P. SIPP

COMMISSIONERS



EXECUTIVE DIRECTOR

DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

STEVEN H. RICHMAN
GENERAL COUNSEL
Tel: (212) 487-5338
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srichman@boe.nyc.ny.us

BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
NEW YORK, NY 10004-1609
(212) 487-5300
www.vote.nyc.ny.us

Frank Morano
1026 Sinclair Avenue
Staten Island, NY 10309

July 19, 2013

Dear Sir or Madam:

The Commissioners of Elections (or duly constituted committee thereof), pursuant to the provisions of Rule D6 of the Board's Designating Petition Rules for the September 10, 2013 Primary Election, at a meeting held on July 19, 2013, determined that the following **will not appear on the ballot** for the September 10, 2013 Primary Election since the Amended Cover Sheet filed did not comply with the New York State Election Law and/or the Rules of the Board of Elections, in that the amended cover sheet:

- (1) X did not contain the authentication required by Rule C4.
- (2) Candidate Claims Petition Volume on which Candidate Does Not Appear.

Candidate	Party	Office	District
John F. Gangemi	Democratic	Borough President	Kings

Very truly yours,

THE COMMISSIONERS OF ELECTIONS
IN THE CITY OF NEW YORK



FREDERIC M. UMANE
PRESIDENT

GREGORY C. SOUMAS
SECRETARY

JOSE MIGUEL ARAUJO
NAOMI BARRERA
JULIE DENT
MARIA GUASTELLA
MICHAEL MICHEL
SIMON SHAMOUN
J.P. SIPP

COMMISSIONERS



EXECUTIVE DIRECTOR

DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
ADMINISTRATIVE MANAGER

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BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
NEW YORK, NY 10004-1609
(212) 487-5300
www.vote.nyc.ny.us

REVISED PUBLIC NOTICE

SCHEDULE OF MEETINGS FOR THE COMMISSIONERS' PETITION & COVER SHEET REVIEW COMMITTEE FOR DESIGNATING PETITION MATTERS

Pursuant to the provisions of the NYS Election Law [§3-212(5)], the Rules and Regulations of the NYS Board of Elections [9 NYCRR 6215] as well as the Board's Designating Petition Rules [Rule D2], the Commissioners' Petition and Cover Sheet Review Committee is scheduled to meet in open session on the dates and times indicated in the Executive Conference Room, 7th Floor, 42 Broadway:

<u>DATE:</u>	<u>REP. COMM.</u>	<u>DEM. COMM.</u>
WEDNESDAY, JULY 17 (@ 4 PM)	Michel	Araujo
FRIDAY, JULY 19 (@ 4 PM)	Michel	Dent
TUESDAY, JULY 23 (immediately after the Commissioners' Mtg)	Umane	Barrera

In the unlikely event that there are no defects to be presented to the Committee for action, the Office of the General Counsel will advise the public by 2 PM that day of that fact.

*Prepared by the Office of the General Counsel
Board of Elections in the City of New York
REVISED: July 18, 2013*



**Petition Filing Calendar for the
September 10, 2013 Primary Election**

First day to circulate Designating Petitions.....Tuesday, June 04, 2013
Last day to circulate Designating Petitions.....Thursday, July 11, 2013

DESIGNATING PETITIONS

DATES AND HOURS FOR FILING

Monday, July 08, 2013.....	9 A.M. to 5 P.M.
Tuesday, July 09, 2013.....	9 A.M. to 5 P.M.
Wednesday, July 10, 2013.....	9 A.M. to 5 P.M.
Thursday, July 11, 2013.....	9 A.M. to 12 Midnight

<u>For Designating Petitions Filed on:</u>	<u>General Objections Must Be Filed by:</u>
Monday, July 08, 2013.....	Midnight, Thursday, July 11, 2013
Tuesday, July 09, 2013.....	Midnight, Friday, July 12, 2013
Wednesday, July 10, 2013.....	Midnight, Monday, July 15, 2013
Thursday, July 11, 2013.....	Midnight, Monday, July 15, 2013

<u>For General Objections Filed on:</u>	<u>Specifications Must Be Filed by:</u>
Thursday, July 11, 2013.....	Midnight, Wednesday, July 17, 2013
Friday, July 12, 2013.....	Midnight, Thursday, July 18, 2013
Monday, July 15, 2013.....	Midnight, Monday, July 22, 2013
Monday, July 15, 2013.....	Midnight, Monday, July 22, 2013

Last day to file Certificate of Authorization of petition designation.....Monday, July 15, 2013
Last day to file Acceptance or Declination of petition designation.....Monday, July 15, 2013
Last day to fill Vacancy caused by declination of petition designation....Friday, July 19, 2013
Last day to submit Proof of Service of Specifications.....Day after Specifications are Filed
Last day to institute Judicial Proceedings.....Thurs
day, July 25, 2013 **OR** (3) business days with regard to designating petitions after BOE hearing
where petition is invalidated.

Board of Elections' **HEARINGS ON DESIGNATING PETITIONS** at the Executive Office, 42 Broadway, 6th Floor starting on **TUESDAY, JULY 30, 2013** at 10 AM and continuing on **WEDNESDAY, JULY 31, 2013, THURSDAY, AUGUST 1, 2013 and FRIDAY, AUGUST 2, 2013 (if necessary)**. Interested parties should contact the Board's Executive Office after the Commissioners' Meeting on **JULY 23, 2013** at 1:30 PM to obtain a detailed breakdown of the Hearing Schedule by Borough by calling (212) 487-5300.

OPPORTUNITY TO BALLOT PETITIONS

First day to circulate Opportunity to Ballot (OTB) Petition.....Tuesday, June 25, 2012
Last day to file Opportunity to Ballot Petition.....Midnight, Thursday, July 18 2012
Last day to file OTB Petition if designated candidate declines..Midnight, Thursday, July 25, 2012
Last day to file general objections to OTB Petition.....(3) days after petition filed
Last day to file specifications of objections to OTB Petition.....6) days after objections
filed* (*If a Saturday or Sunday, then file by midnight of the following Monday)

Last day to institute Judicial Proceedings regarding OTB Petitions.....Thursday, August 1, 2013
OR (3) business days after BOE hearing where petition is invalidated

Board of Elections' **HEARINGS ON OPPORTUNITY TO BALLOT PETITIONS** at the Executive Office, 42 Broadway, 6th Floor, on **TUESDAY, AUGUST 6, 2013** at 1:30 PM.

FREDERIC M. UMANE
PRESIDENT

GREGORY C. SOUMAS
SECRETARY

JOSE MIGUEL ARAUJO
NAOMI BARRERA
JULIE DENT

MARIA R. GUASTELLA
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DESIGNATING PETITION AND **OPPORTUNITY TO BALLOT PETITION RULES FOR THE SEPTEMBER 10, 2013 PRIMARY ELECTION**

Adopted: April 16, 2013

Pre-cleared by the Attorney General of the United States: June 11, 2013

These Rules are adopted by the Board of Elections in the City of New York [hereinafter "Board"] pursuant to Election Law § 6-154 (2). Everyone is urged to consult the Election Law and Regulations of the New York State Board of Elections, 9 NYCRR §6215, as well as these Rules.

DEFINITIONS:

Petition: A “petition” is all of the sheets which may be filed with the Board in one or more volumes, together with any required cover sheet, which designate the same candidate for a particular public office or party position. It includes an “opportunity to ballot” petition as set forth in Section 6-166 of the Election Law.

Petition Volume: A “petition volume” is the securely fastened grouping of petition sheets for one or more candidates or group of candidates.

Cover Sheet: A “cover sheet” is the form (as set forth in Rule C of these Rules) to be filed with the Board which summarizes what petition volume or volumes comprise the Petition for each candidate for a particular public office or party position.

A. GENERAL REQUIREMENTS

- A1. A designating petition shall comply with the provisions of Section 6-134 of the Election Law. An opportunity to ballot petition shall comply with the provisions of Section 6-166 of the Election Law. Sheets of a designating petition shall be securely fastened together in one or more petition volumes. The sheets in each petition volume shall be numbered sequentially at the bottom of each sheet
- A2. Pursuant to Section 1-106 of Election Law, all papers required to be filed shall, unless otherwise provided, be filed between the hours of 9:00 a.m. and 5:00 p.m. at the Executive Office of the Board, 32 Broadway, 7th Floor, New York, N.Y. 10004. If the last day for filing shall fall on a Saturday, Sunday, or legal holiday, the next business day shall become the last day for filing. The Board of Elections shall be open for the receipt of any document from 9:00 a.m. until Midnight on the last day to file any such document. Failure of any person or entity to deliver any such document to the Board on or before the last day to file same shall be a fatal defect.

B. IDENTIFICATION NUMBERS

- B1. No one is required to apply for a petition volume identification number before filing any petition volume. However, any person may apply for a petition volume identification number by submission of an Identification Number Application Form. Identification Number Application Forms are available at the Board's Candidate Records Unit, 32 Broadway, 7th Floor, New York, NY 10004. If a petition volume identification number has been assigned before the petition volume is filed, the petition volume identification number must appear prominently on the top of the petition volume. The Board requests that petition volume identification numbers not be placed on the petition volume's binding.
- B2. The Board will inscribe petition volume identification numbers on all application forms. These forms will be retained in a binder for public inspection.
- B3. A pre-assigned petition volume identification number shall be used only by the candidate/s or applicant/s named in the application. Petition volume identification numbers are not transferable or assignable.
- B4. A pre-assigned petition volume identification number shall be used only for the election event for which the application is made.
- B5. Whenever a petition volume is filed without a pre-assigned petition volume identification number, the Board will assign a petition volume identification number at the time the petition volume is filed.

C. COVER SHEET

C1. A cover sheet must be filed for all petitions containing ten or more sheets in one volume or consisting of more than one volume. The cover sheet SHALL BE FILED SEPARATELY from the petition volume(s). It shall not be attached to any petition volume.

C2. A cover sheet shall contain the following information:

- a) the office, the political party's name and district number (where appropriate) for which each designation and nomination is being made;
- b) the name and complete residence address of each candidate;
- c) the total number of volumes comprising each petition;
- d) an identification of the volumes comprising the petition; when multiple volumes are filed, a single cover sheet may be filed consistent with the Regulations of the New York State Board of Elections, 9 NYCRR §6215.2 (a) (2), with the volumes identified by listing the identification number of each volume, either individually or cumulatively;
- e) a statement that the petition contains the number, or in excess of the number, of valid signatures, required by the Election Law;
- f) a place for the optional designation of a contact person to be notified to correct noncompliance with the Rules (a candidate may be designated as the contact person);
- g) when more than one candidate is designated or nominated on the same petition volumes, the candidates may be grouped together on a cover sheet so that the number of volumes comprising the petition need not be repeated;
- h) a cover sheet may consist of more than one page;
- i) the information contained on the cover sheet match the information printed on the petition sheet for each candidate.

C3. The names and addresses of candidates for county committee may be set forth by election district of candidacy on a schedule to be annexed to the cover sheet. Such cover sheet/schedule for the position of county committee shall include all the information required by Rule C2, and in addition, a list by election district of the identification numbers or

the volume number, and page number where such signatures appear for each election district.

- C4. An amended cover sheet must clearly identify the original cover sheet which it is amending or attach a copy of the original cover sheet which it is amending. The amended cover sheet must contain all the information required of a cover sheet. Amended cover sheets must contain the following authentication: "This is to certify that I am authorized to file this amended cover sheet." Said authentication must be signed and dated and shall include the printed name, address, and may include the office telephone number and fax number of said candidate or representative.
- C5. An amended cover sheet must be filed on or before the last day to file the petition unless the amended cover sheet is filed to cure a failure to comply with the Rules after the Board has made a determination of non-compliance with these Rules.
- C6. The Board shall post conspicuously at the front counter at the place of petition filing during the petition circulation and filing period a sign with the following notices:
 - A COVER SHEET IS TO BE FILED SEPARATELY from any petition volume; a cover sheet is not to be attached to any petition volume;
 - All Sheets of each Petition Volume are to be SECURELY FASTENED;
 - All sheets of each Petition Volume are to be SEQUENTIALLY NUMBERED.

**D. DETERMINATIONS; CURES
PURSUANT TO §6-134 (2) OF THE ELECTION LAW**

- D1. Within two (2) business days of the receipt of a petition,¹ the Board will review the petition to determine whether the petition complies with the cover sheet and binding requirements of these Rules. Such review shall be limited to matters apparent on the face of the cover sheet, the binding of each petition volume, and the number of petition volumes. Such review and such determination shall be without prejudice to the Board's determination of objections and specifications of objections filed pursuant to the provisions of the Election Law and these Rules.
- D2. The Board, pursuant to the provisions of Section 3-212(5) of the Election Law authorizes that a Commissioners' Committee composed of one Commissioner from each of the political parties represented on the Board, designated by the President and Secretary of the Board, who may make such designation by telephone, to make determinations pursuant to this Rule. Notice of the time and place of such meetings shall be posted at the Executive Office and on the Board's website. In the event that the Board determines that a petition does not comply with these Rules, the Board shall forthwith notify the candidate or candidates named on the petition of its determination and the reasons therefore.
- D3. Notification of a determination of noncompliance shall be given by written notice by depositing such notice on the day of such determination with an overnight delivery service, for overnight delivery, on the next business day after the determination to the candidate or contact person, if designated, at the address stated on the petition. If the candidate files with the Board written authorization, signed by the candidate, for the Board to give notification by facsimile transmission, then the Board may send such notice by facsimile transmission to the number set forth on the signed written authorization and/or by overnight delivery, on the day of the determination.
- D4. A candidate may, within three (3) business days of the date of a determination that the petition does not comply with these Rules, cure the violation of these Rules. Cover sheet deficiencies may be corrected

by the filing of an amended cover sheet. Such cure or correction must be received by the Board no later than the third business day following such determination. Such cure or correction will be reviewed by the Board to determine if it is in compliance with the Election Law and these rules.

- D5. If the petition is one for an opportunity to ballot, then the first named person on the committee to receive notices or applicant(s) for the identification number or numbers under which the petition was filed shall be deemed to be the "candidate" for purposes of these Rules.
- D6. Upon expiration of the (3) business days set forth in Rule D4, the Board or a Commissioners Committee established pursuant to Rule D2, shall review the filed attempted cure. If the Board determines that an attempt to cure a defect does not comply with these Rules or the Election Law, the Board shall notify the candidate or candidates named on the petition/cover sheet of its determination and the reasons therefore. The Board shall give written notice of such determination and the fact that the candidate(s) will not appear on the ballot by depositing such notice on the day of such determination with an overnight delivery service, for overnight delivery, on the next business day after the determination to the candidate or contact person, if so designated, at the address stated on the petition, cover sheet and/or amended cover sheet, as applicable.

E. PRIMA FACIE MATTERS

E1. The Board reviews each Cover Sheet and Petition to insure compliance with the New York State Election Law. On occasion, the Board determines that it appears that a Cover Sheet and/or Petition, on its face, fails to comply with the requirements of the New York State Election Law and is not subject to a cure under Section 6-134(2) of the Election Law. In that event, the Board shall notify the candidate or designated contact person in writing, of the Board's preliminary finding of a Prima Facie defect and advise the candidate/contact person that he/she may appear at the commencement of the Board's hearings on said petitions to contest such preliminary finding. Such review, preliminary finding and final determination shall be without prejudice to the Board's subsequent determination of objections and specifications of objections filed pursuant to the provisions of the Election Law and these Rules.

F. EXAMINATION AND COPYING OF PETITIONS

F1. The Commissioners of the Board, or in their absence, the Executive Director, Deputy Executive Director, the Chief Clerks, Deputy Chief Clerks or such other staff as may be designated by the Executive Director, shall control the requisition, examination and copying of any document filed with the Board in order to assure that candidates, objectors or potential objectors and their representatives have an equal and fair opportunity to examine or copy such documents consistent with the needs of the Board to process petitions and specifications of objections.

F2. Any person may obtain a copy of any document filed with the Board upon written application and payment of 25¢ per page.

F3. No document shall be unfastened or taken apart (except by authorized employees of the Board of Elections) while examining the document; nor shall pen and ink or indelible pencil be used while examining documents. Only red pencil is to be used while examining any document. No other writing instrument may be used while examining any filed document.

G. GENERAL OBJECTIONS

G1. A general objection to a petition must be filed at the Executive Office of the Board, 32 Broadway, New York, N.Y. 10004, 7th Floor. The last day for filing general objections shall be three (3) days after the latest date on which any part of such petition or cover sheet was filed, even if said petition or cover sheet is subsequently not claimed by the candidate(s) appearing thereon.

NOTE: The Board reserves the right to conduct an inquiry into the facts and circumstances of the filing of any document and the application of Rule G1.

G2. In the event an amended cover sheet is filed to cure noncompliance with these Rules after the last day to file a petition, the general objection and specifications filed in support of such general objection shall address only issues raised by the amended cover sheet. Such a general objection and specifications are without prejudice to any other issues addressed in any timely filed general objection and supporting specifications which are addressed to the petition. In order to expedite a determination by the Board, objectors are urged to file specifications of an objection addressed to an amended cover sheet filed to cure after a determination of noncompliance at the time when the general objection is filed.

G3. The general objection shall state the name and address of the objector and candidate, party name, and public office or party position on the petition to which the objection is addressed and shall be signed by the objector. If the objection is directed to a petition for opportunity to ballot the objection shall identify the public office or party position and petition volume identification number.

G4. The general objection shall include a place for the optional designation of a contact person to receive notice of any rulings on the objection. The general objection should include any telephone numbers and fax numbers which can be used to provide notice regarding rulings on the objection.

H. SPECIFICATIONS OF OBJECTIONS

H1. Specifications of objections shall state the name and address of the objector and the candidate and public office on the petition to which the objection is addressed and shall be signed by the objector. The specifications of objections shall be prepared using ink.* The specifications of objections shall be securely fastened together in one or more volumes. The specification of objections in each and every volume shall be numbered sequentially at the bottom of each page of the specification.

* See *Statement of the Commissioners of Elections in the City of New York adopted May 19, 2009 which is appended to these Rules*

H2. The specifications shall include the name and mailing address of any contact person other than the objector to receive notice of any rulings on the specifications designated in the general objection. The specifications should include any telephone numbers and fax numbers which can be used to provide notice regarding rulings on specifications. The specifications may indicate separate numbers to be used on the Saturday and Sunday prior to the date scheduled for Commissioners' hearings.

H3. When an objector files an objection which presents a factual issue which cannot be determined from documents on file with the Board, the specifications must set forth the factual allegations with particulars. The objector shall submit with the specifications, copies of any documents or affidavits that are required in order for the Board to rule on the issue.

H4. If the specifications of objections claim that there are an insufficient number of valid signatures, the specifications must state the total number of signatures contained in the petition and the total number of signatures which the objector claims to be invalid.

H5. Any specific objection to an individual signature or witness statement shall set forth the Board-assigned petition volume identification number, page number and line number and shall set forth with specificity the nature of each objection to that signature or witness statement.

H6. The following abbreviations are acceptable:

AI	Address illegible or so abbreviated it cannot be identified.
ALT	Alteration (date/signature)
DI	Date incomplete
DUP v._p._I._	Duplicate of same signature located in the petition at volume identification # ___, page ___, line ___
DSP	Date of witness statement is prior to date of signature
F	Forgery
ILLS	Illegible signature
ILLD	Illegible date
NA	No address stated
ND	No date stated
NE	Not enrolled in the party for which the petition is filed
NFN	No first name\name is so abbreviated it cannot be identified
NPN	No page number -petition page not sequentially numbered
NR	Not registered as stated in BOE records
OD	Out of the district of the contest
P	Pencil or not in ink
PR	Signature is printed or not handwritten
SH	Similar handwriting
TE	Date of signature is prior to first day for circulating petitions
TL	Date of signature is subsequent to last day for circulating petitions or subsequent to date of witness signature
SAP v._ p._I._	Signed another petition for the same office on same or prior date designating another candidate, at petition volume identification # ___ page ___, line ___.
SW	Signature is that of the subscribing witness to the page
SWALT	Subscribing Witness information altered (not initialed)
SWNE	Subscribing Witness is not enrolled in the party for which the petition is filed
SWNQ	Subscribing Witness not qualified
SWNR	Subscribing Witness not registered, as stated
SWDI	Date incomplete in subscribing witness statement

SWA	No address or wrong address stated in subscribing witness statement
SWND	No date stated in subscribing witness statement
SWNN	Name of subscribing witness omitted from body of subscribing witness statement
SWNS	Signature of subscribing witness omitted
SWNSO	Number of signatures omitted from subscribing witness statement
SWWNS	Wrong number of signatures stated in subscribing witness statement
SWTE	Date of signature is prior to first day for circulating petitions
SWTL	Date of signature is subsequent to last day for circulating petitions
WA	Wrong address stated on petition

Objectors may use other abbreviations or symbols as long as they are clearly defined in the specifications.

- H7. Objectors are warned not to include in the specifications broad, non-specific or generic claims or claims which are not supported by documents filed with the Board. The Board may dismiss the entire objections as frivolous if specifications include such claims.
- H8. Because the Board believes that the appropriate forum for determination of allegations of forgery or fraud is in an invalidating proceeding commenced in the Supreme Court pursuant to Election Law §16-102, the Board does not ordinarily rule on such allegations. In the rare case where an objector seeks to obtain a ruling from the Board on an issue of fraud, or on a factual issue which cannot be determined from documents already filed with the Board (such as petitions, registration records, party call, party rules, etc.), the specifications must set forth the factual allegations with particularity. The objector should submit with the specifications copies of any documents or affidavits that are required in order for the Board to rule on the issue. Notwithstanding such a submission, the Board will generally decline to rule on any allegation of fraud.

H9. (a) For petitions designating a candidate for public office, the objector must serve a copy of the specifications personally or by certified mail upon the candidate for public office before filing such specifications with the Board.

(b) For petitions designating a candidate for party position, the objector must serve a copy of the specifications personally or by certified mail upon the first person listed under the committee to fill vacancies or the contact person before filing such specifications with the Board.

(c) For petitions designating a candidate for party position for which no committee to fill vacancies or contact person has been designated, copies of the specifications, clearly labeled "copy one" and "copy two" on the face of the specifications must be filed with the Board. The Board shall be deemed the agent for service of specifications of objections for all candidates for whom neither a committee to fill vacancies appears on the petition nor a contact person appears on the cover sheet. The second copy shall be available at the Executive Office for inspection or copying.

H10. Specifications of objections must be filed within six (6) days after the filing of general objections, in person, at the Executive Office of the Board, 32 Broadway, 7th Floor, New York, N.Y. 10004. The Executive Office will be open during the period for filing objections and specifications until midnight of each day (except Saturday and Sunday) to permit the filing of such papers in person. The Election Law does not authorize the extension of time for filing objections or specifications.

H11. Proof of service of specifications (which must identify the specification it is related to by either including the borough and General Objection/Specification number on the proof of service or attaching the proof of service to a copy of the first page of the specification) must be filed in person at the Executive Office of the Board, 32 Broadway, New York, N.Y. 10004, no later than the day after specifications are filed. The Board will issue a receipt for proof of service upon filing.

H12. Upon receipt of Specifications of Objection in a borough office, the Chief Clerk and Deputy Chief Clerk (or their designees) shall review said specifications of objections on their face and determine if said specifications appear to be frivolous or if the objectors lack standing to file such specifications. Upon such a preliminary determination by the Chief Clerk and Deputy Chief Clerk, they shall refer their preliminary determination to the Board's Executive Committee for all specifications of objections relating to petitions for citywide office or the respective Borough's Commissioners' Committee (consisting of the Commissioners for those Boroughs which contain part of a specific district) for specifications of objections relating to petitions for all other offices and/or positions for review. If the appropriate Commissioners' Committee confirms that the specifications of objection appear to be frivolous or that the objector(s) lack standing to file such specifications, they shall confirm the preliminary determination of the Chief Clerk and Deputy Chief Clerk and direct that the specifications of objections not be worked by the borough office staff. Such findings and confirmation thereof shall be reported to the Commissioners at the commencement of the hearings for their review.

I. CLERKS'/COUNSEL'S REPORT

- I1. The Chief Clerk and Deputy Chief Clerk of each borough shall assign staff to examine the specifications of objections and to prepare a report to the Commissioners on the objections.
- I2. As soon as the borough office has prepared the report to the Commissioners, the borough office shall fax copies of the summary report (without line-by-line rulings) to the contact persons designated on the petition cover sheet and on the specifications to receive notices at the fax number indicated. Candidates or objectors who are unable to receive faxes must check with the Chief Clerk or Deputy Chief Clerk of the respective borough office if the candidate or objector wishes to review the Clerks' Report prior to the Commissioners' hearing.

- I3. At least twenty-four hours before each date for Commissioners' hearings, each borough office shall prepare a list of Clerks' Reports, which have not been completed and shall immediately transmit a copy to the Executive Office and shall make the list available to the public. The Commissioners' hearing on Clerks' Reports included on the list will be automatically postponed from the immediate hearing date to the next hearing date scheduled by the Commissioners unless there is consent from the objector and the candidate to rule on the Clerks' Report as scheduled.
- I4. Once the borough office has prepared the report to the Commissioners, the original specifications of objections with the line by line rulings of the clerks will be made available for examination or copying by the objector, candidate or representative, provided that the specification is not being used by the clerks for the review of any other specifications of objections.
- I5. The rules regarding examination and copying of petitions shall also apply to specifications of objections showing the clerks' line by line rulings. The use of nominating or designating petitions and specifications by the clerks for the preparation of their report shall have priority over any request for examination or copying by any objector, candidate or their representative.
- I6. In the event that the specifications of objection present legal rather than or in addition to factual issues, said specifications of objections shall be referred to the Office of the General Counsel of the Board who shall assign staff to examine such specifications of objections and prepare a report to the Commissioners on the legal issues raised in the specifications. The notice and inspection provisions found in Sections I2, I4 and I5 of these Rules shall apply to such Counsel's Report.

J. HEARINGS

- J1. The Commissioners shall render a ruling on specifications of objections after they receive the Clerks' or Counsel's Report. Candidates or objectors who wish to be heard by the Commissioners should review the Clerks'/Counsel's Report and individual line-by-line rulings prior to the Commissioners' hearing. Candidates or objectors are encouraged to present to the Commissioners a list of exceptions which identifies with specificity each ruling by the clerks which is claimed to be erroneous. In view of the short deadlines and urgency of obtaining final rulings by the Board, the Board may reject any application for an extension of time to review the Clerks'/Counsel's Report when the candidate or objector received notice of the Clerks' Report at least twenty-four (24) hours prior to the hearing (*including* weekends and holidays), or the candidate or objector failed to designate a fax number for the receipt of notice.
- J2. Attorneys appearing on behalf of a candidate or objector must file a Notice of Appearance on the Board prepared form, which shall include the current address, telephone number and fax number of the attorney.
- J3. An individual, other than an attorney (including a candidate or objector), representing a candidate or an objector must file a Notice of Authorization that must be signed by said candidate or objector. Notices of Appearance and/or Authorization can be obtained from the Candidate Records Unit.
- J4. The hearings held by the Board shall be transcribed by a professional reporter and/or tape recorded and preserved in the Board's permanent records. Any person may obtain a copy of the transcript or tape recording by making a written request to the Executive Director or Deputy Executive Director (or their designees) and paying the applicable fee.
- J5. Whenever there is not a quorum of Commissioners present on any day scheduled for Commissioners' hearings, a committee of the Commissioners shall rule on the Clerks' or Counsel's Reports. The committee is constituted pursuant to Election Law §3-212 (5). The committee shall consist of the largest equal number of Commissioners

from each of the political parties represented on the Board who are available and designated by the President and Secretary of the Board, who may make such designation by telephone. In the absence of the President or the Secretary, the Commissioner of the same political party with the greatest length of service on the Board who is available shall make such designation. The President and Secretary, or senior Commissioners present shall attempt to confer with the other Commissioners of the same political party before making such designation. The committee shall serve only for that hearing date, or until a quorum of the full Board is present, whichever is shorter, unless the full Board shall provide otherwise.

- J6. The Board may reconsider any determination or the determination of any committee of the Board. In such event, the Board will provide notice to any objector, candidate and representative.
- J7. Prior to the commencement of each session's petition hearings a copy of the Prima Facie Calendar(s) (complied by the Candidate Records Unit & the Office of General Counsel) and the Specifications of Objections Calendar(s) for that session shall be posted at or near the entrance of the hearing room.

K. JUDICIAL PROCEEDINGS

- K1. Judicial proceedings are governed by Article 16 of the New York State Election Law. On June 18, 2012, the Commissioners adopted a policy statement and recommended provision for inclusion in any proposed Order to Show Cause sought pursuant to §16-102 of the Election Law. For the 2013 Primary Election, the attention of all candidates, objectors and their legal counsels is directed to the Notice containing the foregoing which is appended to these Rules.

STATEMENT

of the

Commissioners of Elections in the City of New York

The Commissioners of Elections in the City of New York, at their public meeting held on Tuesday, May 19, 2009, unanimously adopted the following statement providing their interpretation of Rule H1 of the Board's Designating and Opportunity to Ballot Petition Rules and directed that it be included in the Calendar and Rules booklet distributed by the Board and posted on the Board's website:

With respect to Rule H1, the Board has determined that a specification of objection, which is prepared and submitted to the Board using ink, which includes a photocopy and/or a computer generated copy as well as any other form of permanent marking that is not susceptible to fraud constitutes compliance with the provisions of Rule H1.

**NOTICE TO CANDIDATES, OBJECTORS
AND THEIR LEGAL COUNSELS**

**Filing Petitions and Other Documents
with the Board of Elections in the City of New York**

RE: Orders to Show Cause under Section 16-102
 of the New York State Election Law

The Commissioners of Elections in the City of New York at their public meeting held on Tuesday, June 18, 2012 adopted the following policy statement and recommended provision for inclusion in any proposed Orders to Show Cause sought pursuant to Section 16-102 of the New York State Election Law.

In the past, the Orders to Show Cause brought under §16-102 often imposed mandates and obligations on the Board, that interfered with the activities of the Board and its staff and at a cost to the Board and the City's taxpayers. These Orders to Show Cause which have often been obtained on an ex parte basis naming the Board of Elections, a governmental entity without notice or the opportunity to be heard.

By way of background, in prior years, on the initial return date for an Order to Show Cause in a special proceeding commenced under §16-102, usually no action is taken since the Board may not have yet completed its administrative hearings on Specification of Objections and Prima Facie findings. Under this proposed provision, when included by the Supreme Court in an Order to Show Cause, at a later stage in the litigation, when documents may actually be needed, the Court may direct the Board to produce the necessary documents and only the necessary documents. In addition, most of the Supreme Court's Election Parts conduct their line-by-line reviews of petitions at the Board's borough offices; adoption of this proposed provision would not result in a drastic change in the Supreme Court's practice.

Please note that the Commissioners directed that this attached recommended provision be made widely available by:

1. posting this Notice on the Board's website;
2. distributing copies of this Notice during petition filing weeks to each candidate, representative and objector;
3. transmitting a copy to each Administrative Judge of the Civil Terms of State Supreme Court within the City of New York requesting that they distribute the same to the Justices assigned to the Special Election Matters Part(s) and the Ex-Parte or Motion Support Office staff.

This policy and the recommended provision for inclusion in an Order to Show Cause are applicable to all §16-102 matters, be they for a Primary, General and/or Special Election. In addition, the Commissioners have determined that if an Order to Show Cause is entered (without notice to the Board) that contains a contrary provision, then the Board through the New York City Law Department would appear and oppose the inclusion of such a provision in the Order to Show Cause or seek its modification to include the recommended provision set forth below.

The Board of Elections in the City of New York thanks each candidate and their legal counsels for their cooperation and understanding.

Attachment

BOARD OF ELECTIONS IN THE CITY OF NEW YORK



CATHERINE GUERRERO

Public Advocate
of the
City of New York210 East Broadway
Apartment #2001
New York, NY 10002

I DO HEREBY APPOINT- NAMES

Kevin Peter Carroll

ADDRESSES

Dianne I. Stromfeld

223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209

Rosemarie A. Cavanagh

27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005

Martha Flores-Vazquez

65 Memphis Avenue, Staten Island, NY 10312

Mary A. Sansone

143-40 41st Avenue, Apt. 3H, Flushing, NY 11355

1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES

Barbara E. Wasserman

ADDRESSES

John A. Wasserman

121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

Ursula A. Gangemi

121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
16/1/13 2013 Printed Name →	Alelane B Leonard ALELANE B LEONARD	3510 AVE H Brooklyn, New York 11210	Kings
2 7-1 2013 Printed Name →	Ronald Little RONDAL LITTLE	3510 AVE H #6J Brooklyn, New York 11210	Kings
3 7-1 2013 Printed Name →	Maryann D. Little MARYANN D. LITTLE	350 Ave H #65 Brooklyn, New York 11210	Kings
4 7-1 2013 Printed Name →	Thelma McFadden Thelma McFadden	3420 Avenue H #6J Brooklyn, New York	Kings
5 7-1 2013 Printed Name →	Connie Blaske Connie Blaske	3510 Avenue H #4-C Brooklyn, New York 11210	Kings
6 7-1 2013 Printed Name →	Pauline Cason PAULINE CASON	3420 AVE H 1C Brooklyn, New York	Kings
7 7-1 2013 Printed Name →	Gaston Zitman GASTON ZITMAN	3420 AVE H 1F Brooklyn, New York	Kings
8 7-1 2013 Printed Name →	Theresa Seale TERESA SEALE	3510 AVE H 5B Brooklyn, New York	Kings
9 7-1 2013 Printed Name →	Donna Davis DONNA DAVIS	3510 Avenue H 1F Brooklyn, New York	Kings
10 7-1 2013 Printed Name →	Adrian Morgan ADRIAN MORGAN	3510 Avenue H 2R Brooklyn, New York	Kings

STATEMENT OF WITNESS

I, Alelane B Leonard, state: I am a duly qualified voter of the State of New York and am an enrolled voter of the Democratic Party. I now reside at 3510 Ave H 2R, Brooklyn, New York 11210
(Name of Witness)
(Residence Address)

Each of the individuals whose names are subscribed to this petition sheet containing _____ signatures, subscribed the same in (Fill in Number)

my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet. I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date 7/1/13, 2013 Alelane Leonard
(Signature of Witness)

WITNESS IDENTIFICATION INFORMATION:
The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid:

City
New York

County
Kings

(733 P120-3)

SHEET NO. 1375

★ **DEMOCRATIC PARTY** ★
DESIGNATING PETITION - KINGS COUNTY

To the Board of Elections:

I, the undersigned, do hereby state that I am a duly enrolled voter of the Democratic Party and entitled to vote at the next primary election of such party, to be held on September 10, 2013; that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
ERICK J. SALGADO	Mayor of the City of New York	54 Galloway Avenue Staten Island, NY 10302

I DO HEREBY APPOINT- NAMES	ADDRESSES
Edwin Marcial	181 East 111 Street, Apartment 2A, New York, NY 10029
Domingo Vasquez	315 East 106 Street, Apartment 16B, New York, NY 10029
Yonatan E. Teley	165 West End Avenue, Apartment 2M, New York, NY 10023

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
CATHERINE L. GUERRIERO	Public Advocate of the City of New York	210 East Broadway Apartment H2001 New York, NY 10002

I DO HEREBY APPOINT- NAMES	ADDRESSES
Kevin Peter Carroll	223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
Dianne I. Stromfeld	27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005
Rosemarie A. Cavanagh	65 Memphis Avenue, Staten Island, NY 10312
Martha Flores-Vazquez	143-40 41st Avenue, Apt. 3H, Flushing, NY 11355
Mary A. Sansone	1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES	ADDRESSES
Barbara E. Wasserman	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
John A. Wasserman	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
Ursula A. Gangemi	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
16/1/13 2013 Printed Name →	Arlene B Leonard ARLENE B LEONARD	3510 Ave H Brooklyn, New York 11210	Kings
27-1 2013 Printed Name →	Ronald Little RONDAL LITTLE	3510 Ave H #6J Brooklyn, New York 11210	Kings
3-7-1 2013 Printed Name →	Marylin D. Little Marylin D. Little	350 Ave H #65 Brooklyn, New York 11210	Kings
4-7-1 2013 Printed Name →	Thelma McFadden Thelma McFadden	3420 Avenue H #3 Brooklyn, New York	Kings
5-7-1 2013 Printed Name →	Agnes Phillips Agnes. CLARK E	3610 Avenue H apt 4-C Brooklyn, New York 11210	Kings
6-7-1 2013 Printed Name →	Russell Assing Russell ASSING	3420 Ave H 1C Brooklyn, New York	Kings
7-7-1 2013 Printed Name →	Gaston Zitman Gaston ZITMAN	3420 Ave H #1F Brooklyn, New York	Kings
8-7-1 2013 Printed Name →	Herm S. Seale Herm S. Seale	3510 Ave H 5B Brooklyn, New York	Kings
9-7-1 2013 Printed Name →	Wolene Davis Wolene Davis	3510 Avenue H 1B Brooklyn, New York	Kings

★ DEMOCRATIC PARTY ★
'DESIGNATING PETITION - KINGS COUNTY'

To the Board of Elections:

I, the undersigned, do hereby state that I am a duly enrolled voter of the Democratic Party and entitled to vote at the next primary election of such party, to be held on September 10, 2013; that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

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ERICK J. SALGADO	Mayor of the City of New York	54 Galloway Avenue Staten Island, NY 10302

I DO HEREBY APPOINT- NAMES ADDRESSES

Edwin Marcial	181 East 111 Street, Apartment 2A, New York, NY 10029
Domingo Vasquez	315 East 106 Street, Apartment 16B, New York, NY 10029
Yonatan E. Teleky	165 West End Avenue, Apartment 2M, New York, NY 10023

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

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CATHERINE L. GUERRIERO	Public Advocate of the City of New York	210 East Broadway Apartment H2001 New York, NY 10002

I DO HEREBY APPOINT- NAMES ADDRESSES

Kevin Peter Carroll	223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
Dianne I. Stromfeld	27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005
Rosemarie A. Cavanagh	65 Memphis Avenue, Staten Island, NY 10312
Martha Flores-Vazquez	143-40 41st Avenue, Apt. 3H, Flushing, NY 11355
Mary A. Sansone	1451 59th Street PVT, Brooklyn, NY 11219

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NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES ADDRESSES

Barbara E. Wasserman	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
John A. Wasserman	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
Ursula A. Gangemi	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Place of Residence	County
1 6-29 2013	JAMES DUSSAP	110-10 100th Street Brooklyn, New York 11234	Kings
2 6-29 2013	Mark Deverco	57-74-207-100-1234	Kings
3 6-29 2013	Mark Deverco	57-74-207-100-1234	Kings
4 6-29 2013	Nicole Clavas	190-7-100-100-1234	Kings
5 6-29 2013	Karen Adams	192-Troy Ave. BKlyn Brooklyn, New York NY 11234	Kings
6 6-29 2013	Karen Adams	135D Rock St 6 Brooklyn, New York NY 11234	Kings
7 6-29 2013	Maureen Stewart	36-26 Kings Highway Brooklyn, New York Brooklyn NY 11234	Kings
8 6-29 2013	Lynsey Rene	4155 Kings Hwy Brooklyn, New York BKlyn NY 11234	Kings

I DO HEREBY APPOINT- NAMES

Kevin Peter Carroll	ADDRESSES
Dianne I. Stromfeld	223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
Rosemarie A. Cavanagh	27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005
Martha Flores-Vazquez	65 Memphis Avenue, Staten Island, NY 10312
Mary A. Sansone	143-40 41st Avenue, Apt. 3H, Flushing, NY 11355
	1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

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JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES

Barbara E. Wasserman	ADDRESSES
John A. Wasserman	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
Ursula A. Gangemi	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
1 6-29 2013 Printed Name →	JAMES DUSSAP	4146 Kings Highway 11234 Brooklyn, New York	Kings
2 6-29 2013 Printed Name →	FBI NY MARGALIAN	1776 E 49ST 11234 Brooklyn, New York	Kings
3 6-29 2013 Printed Name →	Deshawn DuSsap	4146 Kings Hwy 11234 Brooklyn, New York	Kings
4 6-29 2013 Printed Name →	Nicole Charles	1927 Troy Ave Brooklyn, New York Bklyn NY 11234	Kings
5 6-29 2013 Printed Name →	Karen Adams	1927 Troy Ave Bklyn Brooklyn, New York NY 11234	Kings
6 6-29 2013 Printed Name →	Margaline Margealine	1350 East 56 Brooklyn, New York NY 11234	Kings
7 6-29 2013 Printed Name →	Gloria Celestein	3626 Kings Highway Brooklyn, New York Brooklyn NY 11234	Kings
8 6-29 2013 Printed Name →	CYNTHY RENE	4155 Kings Hwy Brooklyn, New York Bklyn NY 11234	Kings
9 6-29 2013 Printed Name →	Mercilia Dussap	3413 Ave H Apt 2A Brooklyn, New York Bklyn NY 11234	Kings
10 6-29 2013 Printed Name →	Kisha Aikens	1694 E 49th St Brooklyn, New York Bklyn NY 11234	Kings

STATEMENT OF WITNESS

I, KATHRINA PRENE LOUIS, am a duly qualified voter of the State of New York and am an enrolled voter of the Democratic Party. I now reside at 1569 East 48th St, Brooklyn, New York. 11234
(Name of Witness) (Residence Address)

Each of the individuals whose names are subscribed to this petition sheet containing 10 signatures, subscribed the same in

(Fill in Number)

(Signature of Witness)

my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.
I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.Date 6/29/2013KATHRINA PRENE LOUIS
(Signature of Witness)WITNESS IDENTIFICATION INFORMATION
The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid.City
New YorkCounty
Kings

Content Critical 2013 phone: 201 528 2785 attn: Al Handeli

(733 P120-3)

SHEET No. 138

Domingo Vasquez

Ariana E. Teeky

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

101 EAST 111 STREET, APARTMENT 2A, NEW YORK, NY 10029
315 East 106 Street, Apartment 16B, New York, NY 10029
165 Grand Central Parkway, Apartment 2001, New York, NY 10020

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
CATHERINE L. GUERRIERO	Public Advocate of the City of New York	210 East Broadway Apartment H2001 New York, NY 10002

I DO HEREBY APPOINT- NAMES

Kevin Peter Carroll
 Dianne I. Stromfeld
 Rosemarie A. Cavanagh
 Martha Flores-Vazquez
 Mary A. Sansone

223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
 27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005
 85 Memphis Avenue, Staten Island, NY 10312
 143-40 41st Avenue, Apt. 3H, Flushing, NY 11355
 1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES

Barbara E. Wasserman
 John A. Wasserman
 Ursula A. Gangemi

121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
 121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
 121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
1 6-20 2013 Printed Name →	<i>Domenic St. Juste</i> <i>Domenic St. Juste</i>	4144 Kings Hwy Brooklyn, New York 11234	Kings
2 6-20 2013 Printed Name →	<i>Sagino Valentin</i> <i>Sagino Valentin</i>	170 72nd Street Brooklyn, New York 11210	Kings
3 6-20 2013 Printed Name →	<i>Marcia Denise</i> <i>Marcia Denise</i>	980 E 81st Street 11236 Brooklyn, New York 11236	Kings
4 6-20 2013 Printed Name →	<i>Andy Delbrun</i> <i>Andy Delbrun</i>	980 E 81st Street Brooklyn, New York 11236	Kings
5 6-20 2013 Printed Name →	<i>Andy Delbrun</i> <i>Andy Delbrun</i>	980 E 81st Street Brooklyn, New York 11236	Kings
6 6-20 2013 Printed Name →	<i>YES DE BRUN</i> <i>YES DE BRUN</i>	980 East 81st Brooklyn, N.Y. Brooklyn, New York 11236	Kings
7 6-20 2013 Printed Name →	<i>Maryse Desiré</i> <i>Maryse Desiré</i>	980 E 81st St. Brooklyn, NY Brooklyn, New York 11236	Kings
8 6-20 2013 Printed Name →	<i>Desiree T. Jones</i> <i>Desiree T. Jones</i>	2416 NEW KIRK Bklyn Brooklyn, New York	Kings
9 6-20 2013 Printed Name →	<i>Desiree T. Jones</i> <i>Desiree T. Jones</i>	2416 NEW KIRK Bklyn Brooklyn, New York	Kings
10 6-20 2013 Printed Name →	<i>Desiree T. Jones</i> <i>Desiree T. Jones</i>	2416 NEW KIRK Bklyn Brooklyn, New York	Kings

STATEMENT OF WITNESS

I, *Desiree T. Jones*, state: I am a duly qualified voter of the State of New York and am an enrolled voter
 (Name of Witness) of the Democratic Party. I now reside at *1569 EAST 48TH ST*, Brooklyn, New York, 11234
 (Residence Address)

Each of the individuals whose names are subscribed to this petition sheet containing **10** signatures, subscribed the same in(Fill in Number)
my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.
I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.Date *6/20/13*, 2013*Desiree T. Jones*
(Signature of Witness)WITNESS IDENTIFICATION INFORMATION
The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid:City
New YorkCounty
KingsSHEET NO. *1303*

I DO HEREBY APPOINT- NAMES

Kevin Peter Carroll	ADDRESSES
Dianne I. Stromfeld	223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
Rosemarie A. Cavanagh	27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005
Martha Flores-Vazquez	65 Memphis Avenue, Staten Island, NY 10312
Mary A. Sansone	143-40 41st Avenue, Apt. 3H, Flushing, NY 11355
	1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES

Barbara E. Wasserman	ADDRESSES
John A. Wasserman	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
Ursula A. Gangemi	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
1 6/19/2013	Printed Name → François Barthélémy	1572 E 48 St 11234 Brooklyn, New York	Kings
2 6/29/2013	Printed Name → Marguerite Jambon	1569 East 48th Street Brooklyn, New York	Kings
3 6/29/2013	Printed Name → Juliette Dosma	1569 East 48th Street Brooklyn, New York	Kings
4 6/29/2013	Printed Name → Patrick Melin	1569 East 48th St Brooklyn, New York	Kings
5 6/29/2013	Printed Name → Cassandra Julent	4 Tiernan Ct, Nanuet, NY 10541 Brooklyn, New York	Kings
6 6/29/2013	Printed Name → Diane Fletcher	1569 East 48th St Brooklyn, New York	Kings
7 6/29/2013	Printed Name → Reba Viccar	1568 E. 48th St. Brooklyn, New York	Kings
8 6/29/2013	Printed Name → Ruth Kristin	1568 E 48th St. Brooklyn NY	Kings
9 6/29/2013	Printed Name → Marlene Vincent	1568 E 48th St Brooklyn, New York	Kings
10 6/29/2013	Printed Name → Keith Vincent	1568 E 48th St Brooklyn NY	Kings

STATEMENT OF WITNESS

Rita D. Flavin state: I am a duly qualified voter of the State of New York and an an enrolled voter
(Name of Witness) of the Democratic Party. I now reside at 1569 East 48th Street, Brooklyn, New York 11234
of the Democratic Party. I now reside at (Residence Address)

Each of the individuals whose names are subscribed to this petition sheet containing signatures, subscribed the same in

(Fill in Number) (Signature of Witness)

my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date 6/29/2013, 2013 *Rita D. Flavin* (Signature of Witness)

WITNESS IDENTIFICATION INFORMATION
The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid:

City
New York

County
Kings

(733 P120-3)

SHEET No. *14c*

I DO HEREBY APPOINT- NAMES

Kevin Peter Carroll	ADDRESSES
Dianne I. Stromfeld	223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
Rosemarie A. Cavanagh	27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005
Martha Flores-Vazquez	65 Memphis Avenue, Staten Island, NY 10312
Mary A. Sansone	143-40 41st Avenue, Apt. 3H, Flushing, NY 11355
	1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES

Barbara E. Wasserman	ADDRESSES
John A. Wasserman	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
Ursula A. Gangemi	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
1 6-11-2013 Printed Name →	S. L. Deas SOPHIA L. DEAS	3420 Ave H, 2L Brooklyn, New York 11210	Kings
2 6-12-2013 Printed Name →	Pamela Taylor PAMELA TAYLOR	1653 Flatbush Ave Brooklyn, New York 11210	Kings
3 6-12-2013 Printed Name →	Bridget Adams BRIDGET ADAMS	2720 FOSTER AVE Brooklyn, New York 11210	Kings
4 6-12-2013 Printed Name →	Dorothy Brasier DOROTHY BRASIER	1655 Flatbush Ave Brooklyn, New York 11210	Kings
5 6-12-2013 Printed Name →	Sonia Reefer SONIA REEFER	1655 Flatbush Brooklyn, New York 11210	Kings
6 6-12-2013 Printed Name →	Barbara Miner BARBARA MINER	1655 Flatbush Ave Brooklyn, New York 11210	Kings
7 6-17-2013 Printed Name →	Tracie Nick TRACIE NICK	3420 Ave H Brooklyn, New York 11210	Kings
8 6-17-2013 Printed Name →	Laurie Hall LAURIE HALL	3420 Ave H Brooklyn, New York 11210	Kings
9 6-19-2013 Printed Name →	James Wright JAMES WRIGHT	3570 AV H Brooklyn, New York 11210	Kings
10 6/19/13 Printed Name →	Anna Wade ANNA WADE	1655 Flatbush Brooklyn, New York 11210	Kings

STATEMENT OF WITNESS

Sophia L. Deas state: I am a duly qualified voter of the State of New York and am an enrolled voter
 (Name of Witness) 3420 Ave H, Brooklyn NY 11210 Brooklyn, New York.
 of the Democratic Party. I now reside at (Residence Address) 10 signatures, subscribed the same in

Each of the individuals whose names are subscribed to this petition sheet containing (Fill in Number) signatures, subscribed the same in

my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date 6-19-13, 2013 S. L. Deas (Signature of Witness)

WITNESS IDENTIFICATION INFORMATION:
 The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid:

City
New York

County
Kings

(733 P120-3)

SHEET No. 141



I DO HEREBY APPOINT - NAMES

Kevin Peter Carroll	ADDRESSES
Dianne I. Stromfeld	223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
Rosemarie A. Cavanagh	27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005
Martha Flores-Vazquez	65 Memphis Avenue, Staten Island, NY 10312
Mary A. Sansone	143-40 41st Avenue, Apt. 3H, Flushing, NY 11355
	1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT - NAMES

Barbara E. Wasserman	ADDRESSES
John A. Wasserman	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
Ursula A. Gangemi	121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
1 7/6 2013	Jean H. Similien	900 Ave M apt 1K Brooklyn, New York 11230	Kings
2 7/6 2013	Brontonet Dale	E93 E 39th St Brooklyn, New York 11203	Kings
3 7/6 2013	Alexis Henry	900 Ave M Brooklyn, New York 11230	Kings
4 7/6 2013	Ben Medina	900 Ave H Brooklyn, New York 11230	Kings
5 7/7 2013	Alicia Callahan	E99 E 83rd Brooklyn, New York	Kings
6 7/7 2013	Anthony Lugo	733 E 10th Brooklyn, New York 11230	Kings
7 7/7 2013	Sonia Bahadur	825 E 10th Brooklyn, New York	Kings
8 7/7 2013	James Davis	733 Linden Blvd Brooklyn, New York	Kings
9 7/7 2013		Brooklyn, New York	Kings
10 7/7 2013		Brooklyn, New York	Kings

STATEMENT OF WITNESS

Rita Molin (Name of Witness) state: I am a duly qualified voter of the State of New York and am an enrolled voter of the Democratic Party. I now reside at 1589 E 48th St Brooklyn, New York 11234 (Residence Address)

Each of the individuals whose names are subscribed to this petition sheet containing (Fill in Number) signatures, subscribed the same in my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date 7/7/2013 (Signature of Witness)

WITNESS IDENTIFICATION INFORMATION
 The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid.

City
 New York

County
 Kings

(733 P120-3) SHEET No. 1442

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
CATHERINE L. GUERRIERO	Public Advocate of the City of New York	210 East Broadway Apartment H2001 New York, NY 10002

I DO HEREBY APPOINT- NAMES	
Kevin Peter Carroll Dianne I. Stromfeld Rosemarie A. Cavanagh Martha Flores-Vazquez Mary A. Sansone	
ADDRESSES	
223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209 27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005 65 Memphis Avenue, Staten Island, NY 10312 143-40 41st Avenue, Apt. 3H, Flushing, NY 11355 1451 59th Street PVT, Brooklyn, NY 11219	

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES	
Barbara E. Wasserman John A. Wasserman Ursula A. Gangemi	
ADDRESSES	
121 8th Avenue, Apartment 1F, Brooklyn, NY 11215 121 8th Avenue, Apartment 1F, Brooklyn, NY 11215 121 8th Avenue, Apartment 1F, Brooklyn, NY 11215	

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
1 7/4/2013	Joseph DeGalle	3942-82nd St x-102C Brooklyn, New York 11236	Kings
2 7/4 2013	Jessica Ferre-Louis	1569 E 48th St Brooklyn, New York 11234	Kings
3 7/4 2013	Jessica Ferre-Louis	1575 E 48 St Brooklyn, New York 11234	Kings
4 7/4 2013	Ricardo Lawson	1575 E 48 St Brooklyn, New York 11234	Kings
5 7/4 2013	Ricardo Lawson	1575 E 48 St Brooklyn, New York 11234	Kings
6 7/4 2013	Jean Lawson	1575 E 48 St Brooklyn, New York 11234	Kings
7 2013		Brooklyn, New York	Kings
8 2013		Brooklyn, New York	Kings
9 2013		Brooklyn, New York	Kings
10 2013		Brooklyn, New York	Kings

STATEMENT OF WITNESS

I, Rita J. Molina, state: I am a duly qualified voter of the State of New York and am an enrolled voter of the Democratic Party. I now reside at 1569 East 48th St., Brooklyn, New York, 11234.

(Name of Witness) (Residence Address) (Fill in Number) signatures, subscribed the same in

Each of the individuals whose names are subscribed to this petition sheet containing

my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date 7/4/2013

(Signature of Witness)

WITNESS IDENTIFICATION INFORMATION:

The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid.

City
New York

County
Kings

(733 P120-3)

SHEET NO. 1413



NAME(S) OF CANDIDATE(S)

CATHERINE L. GUERRIERO

PUBLIC OFFICE(S)

Public Advocate
of the
City of New York

PLACE(S) OF RESIDENCE

210 East Broadway
Apartment H2001
New York, NY 10002

I DO HEREBY APPOINT- NAMES

Kevin Peter Carroll

Dianne I. Stromfeld

Rosemarie A. Cavanagh

Martha Flores-Vazquez

Mary A. Sansone

ADDRESSES

223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005
65 Memphis Avenue, Staten Island, NY 10312
143-40 41st Avenue, Apt. 3H, Flushing, NY 11355
1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES

Barbara E. Wasserman

John A. Wasserman

Ursula A. Gangemi

ADDRESSES

121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
16-19-2013	MARGARET BYERS Margaret Byers	1655 Flatbush Ave B708 Brooklyn, New York 11210	Kings
26-9-2013	Lysia Antoine Lysia Antoine	1655 Flatbush Ave. A605 Brooklyn, New York 11210	Kings
3 2013	Kings
4 2013	Brooklyn, New York	Kings
5 2013	Brooklyn, New York	Kings
6 2013	Brooklyn, New York	Kings
7 2013	Brooklyn, New York	Kings
8 2013	Brooklyn, New York	Kings
9 2013	Brooklyn, New York	Kings
10 2013	Brooklyn, New York	Kings

STATEMENT OF WITNESS

I, Sophia L. Deas, state: I am a duly qualified voter of the State of New York and am an enrolled voter
 (Name of Witness) of the Democratic Party. I now reside at 3420 Ave. H, Brooklyn, NY 11210, Brooklyn, New York
 (Residence Address)

Each of the individuals whose names are subscribed to this petition sheet containing _____ signatures, subscribed the same in

(Fill in Number)

my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false

statement, shall subject me to the same penalties as if I had been duly sworn.

Date 6-19-13, 2013

(Signature of Witness)

WITNESS IDENTIFICATION INFORMATION

The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid:

City
New YorkCounty
Kings

(733 P120-3)

SHEET No. 144

★ **DEMOCRATIC PARTY** ★
DESIGNATING PETITION - KINGS COUNTY

To the Board of Elections:

I, the undersigned, do hereby state that I am a duly enrolled voter of the Democratic Party and entitled to vote at the next primary election of such party, to be held on September 10, 2013; that my place of residence is truly stated opposite my signature hereto, and I do hereby designate the following named person (or persons) as a candidate (or candidates) for the nomination of such party for public office or for election to a party position of such party.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
ERICK J. SALGADO	Mayor of the City of New York	54 Galloway Avenue Staten Island, NY 10302

I DO HEREBY APPOINT- NAMES		ADDRESSES
Edwin Marcial		181 East 111 Street, Apartment 2A, New York, NY 10029
Domingo Vasquez		315 East 106 Street, Apartment 16B, New York, NY 10029
Yonatan E. Teleky		165 West End Avenue, Apartment 2M, New York, NY 10023

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
CATHERINE L. GUERRIERO	Public Advocate of the City of New York	210 East Broadway Apartment H2001 New York, NY 10002

I DO HEREBY APPOINT- NAMES		ADDRESSES
Kevin Peter Carroll		223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
Dianne I. Stromfeld		27110 Grand Central Parkway, Apt 128V, Floral Park, NY 11005
Rosemarie A. Cavanagh		65 Memphis Avenue, Staten Island, NY 10312
Martha Flores-Vazquez		143-40 41st Avenue, Apt 3H, Flushing, NY 11355
Mary A. Sansone		1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES		ADDRESSES
Barbara E. Wasserman		121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
John A. Wasserman		121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
Ursula A. Gangemi		121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
1 7/10/2013 Printed Name →	Wesleyan Noel	620 E 57- Brooklyn, New York 11234	Kings
2 7/10/2013 Printed Name →	Wesleyan Noel	834 E 48 Brooklyn, New York 11203	Kings
3 7/10/2013 Printed Name →	Judith Noel	834 E 48 Brooklyn, New York 11203	Kings
4 7/10/2013 Printed Name →	Elton Prene Gant	357 E 31 Brooklyn, New York 11226	Kings
5 2013 Printed Name →		Brooklyn, New York	Kings
6 2013 Printed Name →		Brooklyn, New York	Kings
7 2013 Printed Name →		Brooklyn, New York	Kings
8 2013 Printed Name →		Brooklyn, New York	Kings
9 2013 Printed Name →		Brooklyn, New York	Kings

CATHERINE L. GUERRIERO

Political Advocate
of the
City of New YorkPlace of Residence
210 East Broadway
Apartment H201
New York, NY 10002

I DO HEREBY APPOINT- NAMES

Kevin Peter Carroll
 Dianne I. Stromfeld
 Rosemarie A. Cavanagh
 Martha Flores-Vazquez
 Mary A. Sansone

223 Bay Ridge Parkway, 1st floor, Brooklyn, New York 11209
 27110 Grand Central Parkway, Apt. 28V, Floral Park, NY 11005
 65 Memphis Avenue, Staten Island, NY 10312
 143-40 41st Avenue, Apt. 3H, Flushing, NY 11355
 1451 59th Street PVT, Brooklyn, NY 11219

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
JOHN F. GANGEMI	President of the Borough of Brooklyn of the City of New York	1040 84th Street Brooklyn, New York 11228

I DO HEREBY APPOINT- NAMES

Barbara E. Wasserman
 John A. Wasserman
 Ursula A. Gangemi

121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
 121 8th Avenue, Apartment 1F, Brooklyn, NY 11215
 121 8th Avenue, Apartment 1F, Brooklyn, NY 11215

all of whom are enrolled voters of the Democratic Party, as a committee to fill vacancies in accordance with the provisions of the Election Law.

NAME(S) OF CANDIDATE(S)	PUBLIC OFFICE(S)	PLACE(S) OF RESIDENCE
✓ JEAN H. SIMILIEN	Council Member from the 45th Council District Kings County City of New York	3420 Avenue H Apartment #3C Brooklyn, New York 11210

In witness whereof, I have hereunto set my hand, the day and year placed opposite my signature.

Date	Name of Signer (Signature Required)	Residence	County
1 7/10/2013	DONNA MORGAN Dona Morgan	3510 Avenue H Brooklyn, New York	Kings
2 7/10/2013	Paulette Samson Pauline Samson	886 E 38th St Brooklyn, New York	Kings
3 7/10/2013	Wendy Lolo	885 E 38 ST 52 Brooklyn, New York	Kings
4 7/10/2013		Brooklyn, New York	Kings
5 7/10/2013		Brooklyn, New York	Kings
6 7/10/2013		Brooklyn, New York	Kings
7 7/10/2013		Brooklyn, New York	Kings
8 7/10/2013		Brooklyn, New York	Kings
9 7/10/2013		Brooklyn, New York	Kings
10 7/10/2013		Brooklyn, New York	Kings

STATEMENT OF WITNESS

HUGUE TURENNE (Name of Witness) state: I am a duly qualified voter of the State of New York and am an enrolled voter of the Democratic Party. I now reside at 1280 Ocean Ave #1H Brooklyn, New York 11230 (Residence Address)

Each of the individuals whose names are subscribed to this petition sheet containing _____ signatures, subscribed the same in (Fill in Number)

my presence on the dates above indicated and identified himself or herself to be the individual who signed this sheet.

I understand that this statement will be accepted for all purposes as the equivalent of an affidavit and, if it contains a material false statement, shall subject me to the same penalties as if I had been duly sworn.

Date 7/10/2013, 2013

(Signature of Witness)

WITNESS IDENTIFICATION INFORMATION:

The following information must be completed prior to filing with the board of elections in order for this petition sheet to be valid:

City
New YorkCounty
Kings

(733 P120-3)

SHEET No. 157





GANGEMI 2013
9920 Fourth Avenue, Suite 313
Brooklyn, New York 11209
718-680-0851

Board of Elections of City of New York
32-42 Broadway
New York, New York 10004
BY HAND

July 24, 2013

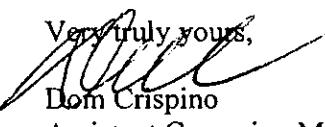
Dear Sir/Madam:

We are in receipt of a Letter from the Board dated July 19, 2013 (copy annexed and marked "1"), wherein we were informed that our Second Amended Cover Sheet stamped July 17, 2013 (copy annexed and marked "2") was deficient for failure to contain the proper authentication required by Rule C4 and because there was an alleged Petition Volume on which the candidate did not appear. The Second Amended Cover Sheet was made in response to a letter from the Board July 15, 2013 (copy annexed and marked "3") indicating solely one deficiency in the Amended Cover Sheet stamped July 11, 2013 (copy annexed and marked "4"), wherein an unfiled Volume was claimed.

The missing certification language in the Amended Cover Sheet was not objected to by the Board. So, we did not add it to the Second Amended Cover Sheet. How can something be in compliance in one filing and then deemed in non-compliance in a subsequent filing without an opportunity to cure?

Further, our claim of signatures in volume KG1301377 is valid because signatures for our candidate appear on pages 137 to 144 and 151 to 152 of that volume (copies of same annexed and marked as "5"). Therefore, we were in compliance by claiming that volume.

We have prepared a Third Amended Cover Sheet reflecting the proper certification language and a clarification of our claim to signatures in Volume KG1301377 by noting the pages claimed. Please accept filing of this Third Amended Cover Sheet. The prior non-compliance was not material to the extent that it would cause any voter confusion.

Very truly yours,

Dom Crispino
Assistant Campaign Manager



RECEIVED
N.Y. BD. OF ELECTIONS
IN THE CITY OF NEW YORK.
32 BROADWAY

2013 JUL 24 PM 3:31

THIRD AMENDED COVER SHEET

Designating and Independent Petitions Filed in New York City and Counties which Utilize Petition Identification Numbering Systems

Name of Candidate	Public Office or Party Position	Residence Address (Also mailing address if different)
JOHN F. GANGEMI	PRESIDENT OF THE BOROUGH OF BROOKLYN OF THE CITY OF NEW YORK	1040 84 TH STREET BROOKLYN, N.Y. 11228

Total Number of Volumes in Petition 14 KG-1301131, KG-1301122

Identification Numbers KG-1301130, KG-1301120, KG-1301129, KG-1301118,
KG-1301117, KG-1301127, KG-1301128, KG-1301119, KG-1301135, KG-1301136, KG-1301121
The petition contains the number, or in excess of the number, of valid signatures required by the
Election Law.

(Pages 137 to 144
and 151 to 152
only, inclusive)

Contact Person to Correct Deficiencies:

Name: FRANK MORAND
(please print)

Residence
Address: 1026 SINCLAIR AVENUE
STATEN ISLAND, N.Y. 10309
(also mailing address if different)

Phone: 347-742-7902 Fax: _____

I hereby authorize that notice of any determination made by the Board of Elections be transmitted
to the person named above:

Candidate or Agent

"This is to certify that I am authorized to file this amended cover sheet."

Frank Morand

Date

July 24, 2013

Signature

RECEIVED
N.Y. BD. OF ELECTIONS
IN THE CITY OF NEW YORK.
32 BROADWAY

2013 JUL 24 PM 3:21

INSTRUCTIONS: Clearly identify the original cover sheet being amended or attach a copy of the
original cover sheet being amended.

RECEIVED
G.O. BD. OF ELECTIONS
IN THE CITY OF NEW YORK.
32 BROADWAY

2013 JUL 24 PM 3:31

FOURTH AMENDED COVER SHEET

Designating and Independent Petitions Filed in New York City and Counties which Utilize Petition Identification Numbering Systems

DEMOCRATIC PARTY

Name of Candidate	Public Office or Party Position	Residence Address (Also mailing address if different)
-------------------	---------------------------------	--

JOHN F. GANGEMI	PRESIDENT OF Borough of Brooklyn OF THE CITY OF NEW YORK	1040 84 TH STREET Brooklyn, N.Y. 11228
-----------------	--	--

Total Number of Volumes in Petition 14 KG 1301131, KG 1301122

Identification Numbers KG 1301130, KG 1301120, KG 1301121, KG 1301118
KG 1301117, KG 1301127, KG 1301128, KG 1301119, KG 1301135, KG 1301136, KG 130112
The petition contains the number, or in excess of the number, of valid signatures required by the
Election Law. KG 1301327

Contact Person to Correct Deficiencies:

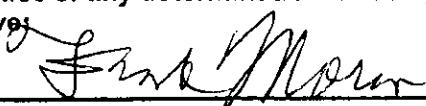
Name: FRANK MORAND
(please print)

(Pages 137 to 144
and 151 to 152
only, inclusive)

Residence Address: 1026 SINCLAIR AVENUE
STATEN ISLAND N.Y. 10309
(also mailing address if different)

Phone: 347-742-7902 Fax: _____

I hereby authorize that notice of any determination made by the Board of Elections be transmitted
to the person named above.

Candidate or Agent 

"This is to certify that I am authorized to file this amended cover sheet."



Date

July 24, 2013

Signature

INSTRUCTIONS: Clearly identify the original cover sheet being amended or attach a copy of the
original cover sheet being amended.



Subject: FW: hearing
From: Frank Morano (morano@nycradio.com)
To: Fpgfilms@aol.com; dcrispino9186@yahoo.com;
Date: Monday, July 22, 2013 9:07 PM

Need an answer from Connor on this ASAP re: his recommendation. My thinking is that we should be at the BOE hearing a week from tomorrow and ask to be recognized. In the meantime, we can try to secure up 6 votes.

From: Steven H. Richman {mailto:srichman@boe.nyc.ny.us}
Sent: Monday, July 22, 2013 8:18 PM
To: Frank Morano
Cc: *Legal Department; *CRU Group; Tom Sattie
Subject: RE: hearing

Mr. Morano:

The notice you received is the official determination on behalf of the Board of Elections in the City of New York with respect to the amended cover sheet and is issued pursuant to the Board's 2013 Designating Petition Rules. Rule D6 is intended to give the required notice with respect to the candidate's rights under Article 16 of the Election Law.

There is no specific provision in those Rules for appearing before the full Board to review a determination made by the Commissioners' Cover Sheet Review Committee. A person can seek to be recognized; the Commissioners will make the determination to grant that opportunity.

Thank you for your understanding in this matter.

STEVEN H. RICHMAN

General Counsel
Board of Elections in the City of New York

New York, NY 10004-1609

Tel: (212) 487-5338

Fax: (212) 487-5342

E-Mail: srichman@boe.nyc.ny.us

From: Frank Morano [mailto:[srichman@boe.nyc.ny.us](#)]
Sent: Monday, July 22, 2013 4:46 PM
To: Steven H. Richman
Subject: hearing

Mr. Richman:

I was hoping you could help me with some questions. I'm working with John Gangemi, a candidate for Brooklyn Borough President. We received a non-compliance notice indicating that we were claiming a petition volume he wasn't on and that there wasn't the required authentication on the cover sheet. I was wondering if there was any opportunity to address the Commissioners on this issue. I remember that in 2009, DeBlasio was able to talk with the Commissioners re: his cover sheet error and we were hoping for the opportunity to do the same at their next meeting, or soon thereafter. I think the issue of the petition without the candidate is pretty open and shut, as he appears on that volume and we'd be delighted just to show the Commissioners the copy of the volume filed.

Thanks very much,

Frank

Frank Morano
Executive Producer
Radio Talk Show Host
AM 970 The Answer

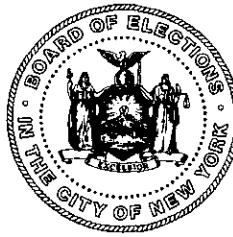


FREDERIC M. UMANE
PRESIDENT

GREGORY C. SOUMAS
SECRETARY

JOSE MIGUEL ARAUJO
NAOMI BARRERA
JULIE DENT
MARIA GUASTELLA
MICHAEL MICHEL
SIMON SHAMOUN
J.P. SIPP

COMMISSIONERS



BOARD OF ELECTIONS

IN
THE CITY OF NEW YORK
EXECUTIVE OFFICE, 32 BROADWAY
NEW YORK, NY 10004-1609
(212) 487-5300
www.vote.nyc.ny.us

EXECUTIVE DIRECTOR

DAWN SANDOW
DEPUTY EXECUTIVE DIRECTOR

PAMELA GREEN PERKINS
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PUBLIC NOTICE

SCHEDULE OF HEARINGS ON DESIGNATING PETITION & RELATED MATTERS FOR THE SEPTEMBER 10, 2013 PRIMARY ELECTION

All Hearings are conducted at the

6TH Floor Hearing Room, 42 Broadway, Manhattan

Tuesday, July 30, 2013

10:00 AM - BRONX COUNTY

- a) Prima Facie Matters
- b) Specifications of Objections

11:00 AM STATED MEETING OF THE
COMMISSIONERS

**SCHEDULE OF HEARINGS ON DESIGNATING
PETITION & RELATED MATTERS
FOR THE SEPTEMBER 10, 2013 PRIMARY ELECTION**

Tuesday, July 30, 2013(continued)

12:00 Noon RICHMOND COUNTY
 a) Prima Facie Matters
 b) Specifications of Objections

1:30 PM CITYWIDE OFFICES
[Mayor/Comptroller/Public Advocate]
 a) Prima Facie Matters
 b) Specifications of Objections

2:00 PM QUEENS COUNTY
 a) Prima Facie Matters
 b) Specifications of Objections

Wednesday, July 31, 2013

10:00 AM KINGS COUNTY
 a) Prima Facie Matters
 b) Specifications of Objections

**SCHEDULE OF HEARINGS ON DESIGNATING
PETITION & RELATED MATTERS
FOR THE SEPTEMBER 10, 2013 PRIMARY ELECTION**

Wednesday, July 31, 2013

2:00 PM NEW YORK COUNTY
 a) Prima Facie Matters
 b) Specifications of Objections

Thursday, August 1, 2013

10:00 AM Call of Deferred Matters (if any)

Notice to All Interested Persons:

All persons appearing before the Commissioners of Elections should arrive prior to the commencement of the schedule start time of each session.

As soon as a session or the Commissioners' stated meeting is concluded, the next scheduled borough's Calendar may be called.

Issued By: The Board of Elections in the City of New York on July 23, 2013.



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS:

X

IN THE MATTER OF THE APPLICATION OF
SHANNA TROTMAN AND GLENN D. MARTIN,
PETITIONER-OBJECTORS,

SPECIAL ELECTION PART
Index No. 700001/13
Hon. David I. Schmidt
August 8, 2013

ERIC ADAMS

CANDIDATE-AGGRIEVED
PETITIONER,

-AGAINST -

JOHN GANGEMI

CANDIDATE

-AND-

The BOARD OF ELECTIONS IN THE
CITY OF NEW YORK,

RESPONDENT

FOR AN ORDER, PURSUANT TO SECTIONS 16-100, 16-102, AND
16-116 OF THE ELECTION LAW, DECLARING INVALID THE
DESIGNATING PETITION PURPORTING TO DESIGNATE THE
RESPONDENT CANDIDATE FOR PUBLIC OFFICE OF
PRESIDENT OF THE BOROUGH OF BROOKLYN, KINGS COUNTY,
CITY AND STATE OF NEW YORK, IN THE DEMOCRATIC PARTY
PRIMARY ELECTION TO BE HELD SEPTEMBER 10, 2013, AND
TO RESTRAIN THE SAID BOARD OF ELECTIONS FROM
PRINTING AND PLACING THE NAMES OF SAID CANDIDATE
UPON THE OFFICIAL BALLOTS OF SUCH PRIMARY ELECTION.

X

The following papers numbered 1 to 2 used in this proceeding

Order to Show Cause and Petition Annexed1.....
Other Papers.... (answer);.. (bill of particulars/offer of proof).....2

Upon the foregoing papers and oral argument held on the record before the court in
this proceeding brought pursuant to Article 16 of the Election Law to declare invalid the
designating petition purporting to name respondent-candidate John Gangemi (respondent-

candidate or Mr. Gangemi) as candidate for the public office of President of the Borough of Brooklyn, Kings County, City and State of New York in the September 10, 2013 Democratic Party primary election, petitioner moves to dismiss respondent's purported cross petition to validate.

Background Facts and Procedural History

On July 10, 2013, respondent-candidate filed a designating petition with respondent Board of Elections in the City of New York (the Board) purporting to designate him as a candidate for the office of Brooklyn Borough President in the September 10, 2013 Democratic Party primary election. Along with the petition, respondent-candidate filed a cover sheet which listed various volumes contained in the petition. On July 11, 2013, respondent-candidate filed an amended cover sheet which listed additional volumes in the petition including volume KG 1301124. The filing of this amended cover sheet was not prompted by a notice to cure letter from the Board. The amended cover sheet did not contain an authentication required by Board's Rule C4.¹

In a letter dated July 15, 2013, the Board advised respondent-candidate's contact person (Frank Morano) that the cover sheet failed to comply with the Board's rules inasmuch as volume KG 1301124 was not filed. The letter further advised respondent that he had three business days from the date of the letter to cure the defect by filing an amended cover sheet

¹Rule C4 of the Board's Designating Petition Rules for the September 10, 2013 Primary Election provides in pertinent part that, "An amended cover sheet . . . must contain the following authentication: 'this is to certify that I am authorized to file this amended cover sheet.'"

and that failure to file an amended cover sheet within three days "shall be a fatal defect." However, the Board's letter did not list the absence of the authentication required by Rule C4 as a defect.

On July 17, 2013, respondent-candidate filed a second amended cover sheet which omitted KG 1301124 from the list of volumes contained in the filed petition. This second amended cover sheet also listed a previously unclaimed volume in the petition - KG 1301377. In this regard, KG 1301377 was a volume containing several candidates with Mr. Gangemi's name only appearing on pages 137 to 144 and 151 to 152 of the volume. However, the second amended cover sheet did not specify the pages of volume KG 1301377 upon which Mr. Gangemi's name appeared. Finally, the second amended cover sheet failed to contain the authentication statement required by Rule C4.

In a letter dated July 19, 2013, the Board advised respondent-candidate's designated contact person that:

"The Commissioners of Elections . . . pursuant to the provisions of Rule D6 of the Board's Designating Petition Rules for the September 10, 2013 Primary Election, at a meeting held on July 19, 2013, determined that [respondent-candidate] will not appear on the ballot for the September 10, 2013 Primary Election since the Amended Cover sheet filed did not comply with the New York State Election Law and/or the Rules of the Board of Elections."

In this regard, the Board's letter noted that the (second) amended cover sheet did not contain the authentication required by Rule C4. The Board further noted that the (second) amended

cover sheet claimed a petition volume on which the candidate does not appear. This latter defect was an apparent reference to volume KG 1301377.

On July 18, 2013, petitioner-objectors Shanna Trotman and Glenn D. Martin as well as candidate-aggrieved/petitioner Eric Adams commenced the instant proceeding by filing with the County Clerk a petition seeking to invalidate the designating petition filed by Mr. Gangemi. The matter was set down for a July 29, 2013 return date. Subsequently, on July 22, 2013, the objectors filed specifications of objections with the Board challenging various signatures on the designating petition. The Board reviewed the specifications and ultimately generated a clerk's report indicating that Mr. Gangemi's petition had 1809 valid signatures, 191 fewer than the 2,000 required for placement on the ballot.

On July 24, 2013, several relevant events transpired. In particular, respondent-candidate's attorney presented to the court for signature an order to show cause and verified cross-petition seeking to validate his designating petition. Notably, respondent-candidate did not purchase a new index number for this cross petition nor did he file the cross-petition with the County Clerk. Instead respondent-candidate used the existing index number purchased by petitioners as well as the caption of petitioners' invalidating proceeding. In any event, the court signed the order to show cause and set the cross-petition down for the scheduled July 29, 2013 return date.

Also on July 24, respondent-candidate's campaign manager (Dom Crispino) delivered to the Board a letter acknowledging receipt of the Board's July 19th letter. In this letter, Mr.

Crispino objected to the Board's claim that the second amended cover sheet was defective for failure to comply with Rule C4 inasmuch as the Board failed to cite this defect in its July 15th notice to cure the first amended cover sheet. In addition, Mr. Crispino claimed that KG KG 1301377 was a validly claimed petition volume inasmuch as Mr. Gangemi's name appeared on pages 137 to 144 and 151 to 152 of the volume. Finally, respondent-candidate simultaneously filed with the Board a third amended cover sheet and fourth amended cover sheet which indicated that Mr. Gangemi's name appeared on pages 137 to 144 and 151 to 152 of volume KG 1301377. The third and fourth amended cover sheet both contained the authentication statement required by Rule C4.²

On July 29, 2013, the parties appeared before the court and petitioner's moved to dismiss the cross petition based upon respondent-candidate's alleged failure to serve petitioner's attorney as directed in the July 24, 2013 order to show cause. At that point, the court advised the parties that it may lack jurisdiction with respect to the cross petition inasmuch as respondent-candidate had not purchased an index number or filed the cross petition with the County Clerk. The parties then asked the court for an opportunity to brief this issue and the matter was adjourned to August 1, 2013.

On August 1, 2013, the parties appeared before the court and petitioners submitted a memorandum arguing, among other things, that respondent-candidate's failure to purchase an index number for the cross petition was a fatal jurisdictional defect. Respondent-

²It is unclear what difference, if any, there is between the third and fourth amended cover sheets.

candidate submitted to the court an amended verified answer dated July 29, 2013 which contained a cross claim against the Board alleging that it made an erroneous determination in removing him from the ballot based upon the alleged cover sheet defect. Thereafter, the court heard oral argument from petitioners, respondent-candidate and the Board and reserved decision.

Findings and Rulings

Turning first to the issue of the cross petition, it is well-settled that in order to properly commence a proceeding under Election Law § 16-102, a petitioner must purchase an index number and file his or her petition with the County Clerk (*Matter of Brown v Smith*, 76 AD3d 939, 940 [2010]; *Matter of White v Bilal*, 21 AD3d 573, 574 [2005]). Here, respondent-candidate failed to purchase an index number and further failed to file the cross petition with the County Clerk. Consequently, the cross petition to validate is jurisdictionally defective and must be dismissed.

With respect to the cross claim in respondent-candidate's answer, a party in an Election Law proceeding must seek leave of the court prior to interposing a cross claim (*Matter of Kiernan v New York State Bd. Of Elections*, 95 AD3d 1242[2012]; *Matter of Flood v Schopfer*, 20 AD3d 417, 419 [2005]; *Matter of Alessio v Carey*, 49 AD3d 1147, 1149 [2008]; *Matter of Koplen v Austin*, 5 AD3d 515, 516 [2004]). Here, respondent-candidate did not seek leave of the court before filing his answer with cross claim. Moreover, even if respondent-candidate had sought such leave, it would have been denied inasmuch as the

submission of the amended answer and cross claim on August 1, 2013 violated the published rules of the Kings County Special Election Part. In this regard the rules require that "any Answers . . . shall be filed with the Clerk of the Part no later than the time of the July 29, 2013 calendar call. Failure to serve and file same shall be deemed a waiver and further proof shall be precluded."

As a final matter the court notes that even if respondent-candidate's cross claim against the Board was properly before the court, and the court determined that the Board erred in rejecting the designating petition based upon the cover sheet defects, it would not be enough to salvage respondent-candidate's designating petition in the context of this proceeding. Specifically, the specifications of objections filed by the objectors resulted in a determination that Mr. Gangemi had 191 fewer than the 2,000 valid signatures required for placement on the ballot. However, as noted above, the cross petition against the objectors was jurisdictionally defective and respondent-candidate did not interpose any counter claims against the petitioner objectors on the initial return date (as required by the rules of the Election Part) or at any time thereafter. Thus, in this proceeding, there is no claim to validate against the objectors. Inasmuch as the objectors are necessary parties, such a claim is a prerequisite to reviving the 191 signatures respondent-candidate needs for placement on the ballot.

Accordingly, respondent-candidate's cross petition and cross claim are denied and dismissed. Further, inasmuch as the respondent-candidate has been ruled off the ballot by

the Board, petitioners' instant invalidating proceeding is dismissed as moot. However, the dismissal of petitioners' invalidating petition is without prejudice to renewal should respondent-candidate's validating claim be revived on appeal in this proceeding or in Mr. Gangemi's validating proceeding under Kings County Index Number 700027/13.

This constitutes the decision and order of the court.

ENTER FORTHWITH,

J. S. C.

HON. DAVID I. SCHMIDT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS:

-----X

IN THE MATTER OF THE APPLICATION OF

JOHN F. GANGEMI,
PETITIONER,

SPECIAL ELECTION PART
Index No. 700027/13
Hon. David I. Schmidt
August 8, 2013

-AGAINST -

The BOARD OF ELECTIONS IN THE
CITY OF NEW YORK,
RESPONDENT

-AND-

SHANNA TROTMAN AND GLENN D. MARTIN,
OBJECTOR-RESPONDENT,

ERIC ADAMS,
CANDIDATE-AGRIEVED
RESPONDENT,

FOR AN ORDER, PURSUANT TO SECTIONS 16-100,
16-102 AND 16-116 OF THE ELECTION LAW, DECLARING
VALID THE DESIGNATING PETITION WHICH DESIGNATED
THE PETITIONER AS A CANDIDATE FOR PUBLIC OFFICE OF
THE BOROUGH PRESIDENT OF THE BOROUGH OF BROOKLYN
OF THE CITY OF NEW YORK, IN THE DEMOCRATIC
PRIMARY ELECTION TO BE HELD SEPTEMBER 10, 2013.

-----X

The following papers numbered 1 to 2 used in this proceeding

Order to Show Cause and Petition Annexed1.....
Other Papers.... (answer);.. (bill of particulars/offer of proof).....Court Exhibit #1...

Upon the foregoing papers and oral argument held on the record before the court in
this proceeding brought pursuant to Article 16 of the Election Law to declare valid the
designating petition purporting to name petitioner John Gangemi (petitioner or Mr. Gangemi)

as candidate for the public office of President of the Borough of Brooklyn, Kings County, City and State of New York in the September 10, 2013 Democratic Party primary election, petitioner moves for an order granting his petition to validate and respondents move for an order dismissing the validating proceeding.

Background Facts and the Invalidating Proceeding

On July 10, 2013, petitioner filed a designating petition with respondent Board of Elections in the City of New York (the Board) purporting to designate him as candidate for the office of Brooklyn Borough President in the September 10, 2013 Democratic Party primary election. Along with the petition, petitioner filed a cover sheet which listed various volumes contained in the petition. On July 11, 2013, petitioner filed an amended cover sheet which listed additional volumes in the petition including KG 1301124. The filing of this amended cover sheet was not prompted by a notice to cure letter from the Board. The amended cover sheet did not contain an authentication required by Board's Rule C4.¹

In a letter dated July 15, 2013, the Board advised petitioner's designated contact pursuant (Frank Rutherford) that the cover sheet failed to comply with the Board's rules inasmuch as volume KG 1301124 was not filed. The letter further advised that petitioner had three business days from the date of the letter to cure the defect by filing an amended cover sheet and that failure to file an amended cover sheet within three days "shall be a fatal defect."

¹Rule C4 of the Board's Designating Petition Rules for the September 10, 2013 Primary Election provides in pertinent part that, "An amended cover sheet . . . must contain the following authentication: 'this is to certify that I am authorized to file this amended cover sheet.'"

However, the Board's letter did not list the absence of the authentication required by Rule C4 as a defect.

On July 17, 2013, petitioner filed a second amended cover sheet which omitted KG 1301124 from the list of volumes contained in the filed petition. This second amended cover sheet also listed a previously unclaimed volume in the petition - KG 1301377. In this regard, KG 1301377 was a volume containing several candidates with Mr. Gangemi's name only appearing on pages 137 to 144 and 151 to 152 of the volume. However, the second amended cover sheet did not specify the pages of volume KG 1301377 upon which Mr. Gangemi's name appeared. Finally, the second amended cover sheet failed to contain the authentication statement required by Rule C4.

In a letter dated July 19, 2013, the Board advised petitioner that:

"The Commissioners of Elections . . . pursuant to the provisions of Rule D6 of the Board's Designating Petition Rules for the September 10, 2013 Primary Election, at a meeting held on July 19, 2013, determined that [respondent-candidate] will not appear on the ballot for the September 10, 2013 Primary Election since the Amended Cover sheet filed did not comply with the New York State Election Law and/or the Rules of the Board of Elections."

In this regard, the Board's letter noted that the (second) amended cover sheet did not contain the authentication required by Rule C4. The Board further noted that the (second) amended cover sheet claimed a petition volume on which the petitioner's name does not appear. This latter defect was a reference to the recently claimed volume KG 1301377.

On July 18, 2013, respondent-objectors Shanna Trotman and Glenn D. Martin as well as candidate-aggrieved/respondent Eric Adams commenced a proceeding under Kings County Index # 700001/13 by filing with the County Clerk a petition seeking to invalidate the designating petition filed by Mr. Gangemi. The matter was set down for a July 29, 2013 return date. On July 22, 2013, the objectors filed specifications of objections with the Board challenging various signatures on the designating petition. The Board reviewed the specifications and ultimately generated a clerk's report indicating that Mr. Gangemi's petition had 1809 valid signatures, 191 fewer than the 2,000 required for placement on the ballot.

In a responsive e-mail sent July 22, 2013 (a copy of which was introduced by petitioner at oral argument and marked as court's exhibit #1), Steven H. Richman, General Counsel for the Board, informed petitioner's campaign manager (Dom Crispino) that the Board's July 19th letter "is the official determination on behalf of [the Board] . . . and is issued pursuant to the Board's 2013 Designating Petition Rules, Rule D6." The e-mail further advised Mr. Crispino that although there was no provision in the Board's rules for a review of this determination, a party could seek to be recognized by the Board and seek an opportunity for such review.²

On July 24, 2013, several events transpired. In particular, petitioner presented to the court for signature an order to show cause and verified cross-petition seeking to validate his

²The original e-mail which prompted Mr. Richman's response was not submitted to the court.

designating petition. Notably, petitioner did not purchase a new index number for this cross petition nor did he file the cross-petition with the County Clerk. Instead, Mr. Gangemi used the existing index number (700001/13) previously purchased by respondents as well as the caption of respondents' invalidating proceeding. In any event, the court signed the order to show cause and set the cross-petition down for the scheduled July 29, 2013 return date.

Also on July 24, Mr. Crispino delivered to the Board a letter acknowledging receipt of the Board's July 19th letter. In this letter, Mr. Crispino objected to the Board's claim that the second amended cover sheet was defective for failure to comply with Rule C4 inasmuch as the Board failed to cite this defect in its July 15th notice to cure the first amended cover sheet. In addition, Mr. Crispino claimed that KG 1301377 was a validly claimed petition volume inasmuch as Mr. Gangemi's name appeared on pages 137 to 144 and 151 to 152 of the volume. Finally, petitioner simultaneously filed with the Board a third amended cover sheet and fourth amended cover sheet which indicated that Mr. Gangemi's name appeared on pages 137 to 144 and 151 to 152 of volume KG 1301377. The third and fourth amended cover sheet both contained the authentication statement required by Rule C4.³

On July 29, 2013, the parties appeared before the court in the invalidating proceeding and respondents moved to dismiss the cross petition based upon petitioner's alleged failure to serve respondents' attorney as directed in the July 24, 2013 order to show cause. At that point, the court advised the parties that it may lack jurisdiction with respect to the cross

³It is unclear what if any difference there is between the third and fourth amended cover sheets.

petition inasmuch as Mr. Gangemi had not purchased an index number or filed the cross petition with the County Clerk. The parties then asked the court for an opportunity to brief this issue and the matter was adjourned to August 1, 2013.

On July 31, 2013, the Commissioners of the Board carried out its scheduled hearing on designating petitions and related matters for the September 10, 2013 Primary Election in elections involving Kings County. At this hearing, Mr. Crispino reiterated his objections to the Board's determination regarding the cover sheet defects. However, the Board adhered to its determination that the cover sheets were fatally defective.

On August 1, 2013, the parties appeared before the court on the invalidating petition and respondents submitted a memorandum of law arguing, among other things, that petitioner's failure to purchase an index number for the cross petition was a fatal jurisdictional defect. Petitioner submitted to the court an amended verified answer dated July 29, 2013 which contained a cross claim against the Board alleging that it made an erroneous determination in removing him from the ballot based upon the alleged cover sheet defect. Thereafter, the court heard oral argument from the parties and the Board and reserved decision. Ultimately, in an order dated August 8, 2013, the court dismissed the cross petition and cross claim. The court further dismissed the invalidating proceeding as moot without prejudice to renewal should petitioner's validating claim be revived on appeal in either the invalidating proceeding or the instant validating proceeding.

The Instant Validating Proceeding

On August 2, 2013, petitioner commenced the instant validating proceeding by purchasing an index number and filing a petition with the County Clerk. On that same day, Hon. Larry D. Martin of this court signed an order to show cause attached to the petition and set the matter down for an August 6, 2013 return date before this court. On the return date, counsel for petitioner and counsel for respondent objectors and respondent aggrieved candidate appeared before the court and oral argument was held on the record. In this regard, respondents moved to dismiss the instant validating petition on statute of limitations grounds.

In support of their motion, respondents point to the Board's July 19, 2013 letter which informed petitioner that pursuant to Rule D6 of the Board's rules, his name would not appear on the ballot due to the aforementioned defects in his cover sheet. Respondents further point to the Appellate Division, Second Department's ruling in *Matter of Leroy v Board of Elections in City of New York* (65 AD3d 645 [2009]), in which the court determined that a notification that a candidate has been removed from the ballot pursuant to Rule D6 provides for a final determination of invalidity so as to start running of the three business day statute of limitations set forth in Election Law § 16-102 (2). Thus, inasmuch as July 24, 2013 was three business days after the July 19, 2013 determination, and July 25, 2013 was 14 days after the last day to file petitions, respondents maintain that the statute of limitations expired more than a week prior to the commencement of this proceeding.

In opposition to respondents' motion, petitioner argues that the Board did not make a final determination regarding the invalidity of his designating petition until the Board's Commissioners voted him off the ballot at the July 31, 2013 hearing. In support of this contention, petitioner submits a copy of Mr. Richman's e-mail (court's exhibit #1) which indicates that Petitioner could seek to be recognized at this meeting regarding his objections. Petitioner further offers the sworn testimony of Mr. Crispino, in which he states that he did in fact raise the cover sheet issues at the Board's meeting and that the Board re-opened this issue. Petitioner also argues that the fact that the Board completed a clerk's report on the specification of objections submitted by the objectors after the July 19, 2013 letter indicates that the Board had not yet made a final determination on the invalidity regarding the designating petition. Finally, petitioner argues that to the extent that this validating proceeding was filed after the statute of limitations expired, it is nevertheless timely inasmuch as it relates back to the timely filed invalidating proceeding commenced by respondents under Kings County Index No. 700001/2013.

Under Election Law § 16-102 (2), a proceeding with respect to a designating petition must be filed within fourteen days after the last day to file the petition, or three business days after the Board makes a determination of invalidity of the petition, whichever is later. Here, it is undisputed that the instant proceeding was filed more than 14 days after the last day to file petitions. Accordingly, the issue before the court is whether the Board made a determination of invalidity of the petition when it issued the July 19, 2013 letter, or whether

this determination was made at the July 31, 2013 Commissioner's meeting. In particular, if the determination was made on July 19th, the matter is untimely. If the determination was made on July 31st the matter is timely.

In *Matter of Leroy* (65 AD3d at 645), the Second Department specifically ruled that the Board's letter to a candidate stating that she would not appear on the ballot pursuant to Rule D6 "provided for a final determination of invalidity" so as to begin the running of the statute of limitations set forth in Election Law § 16-102 (2). Here, the Board's July 19th letter unambiguously informed petitioner that pursuant to Rule D6, the Board determined that his name would not appear on the ballot. As such, *Matter of Leroy* is directly on point with the instant case and requires a finding that the Board's July 19th letter provided for a determination of invalidity for purposes of Election Law § 16-102 (2).

Further, none of the evidence or testimony submitted by petitioner demonstrates that Board subsequently re-opened the issue of the cover sheet defects so as to reset the running of the statute of limitations period. In particular, in the July 22, 2013 e-mail submitted by petitioners, General Counsel for the Board reiterated that the [July 19th] notice "is the official determination on behalf of the [Board]." Counsel further stated that this letter constituted the "required notice with respect to the candidate's rights under Article 16 of the Election Law." In addition, while it is undisputed that petitioner was permitted to raise the issue of the cover sheet defects at the Commissioners July 31, 2013 hearing, there was no formal reconsideration of the matter by the Board. At best, petitioner's arguments to the Board

constituted a request that the Board reconsider its prior determination, a request that the Board denied (*see Matter of Todd v New York City Hous. Auth.*, 262 AD2d 202 [1999] [The statute of limitations is not extended by an application to an administrative agency to reconsider its prior determination]). Indeed, the appellate briefs in *Matter of Leroy* reveal that the candidate ruled off by the Board in that case also presented arguments at the Commissioner's meeting. However, this was insufficient to extend the statute of limitations.

The court also finds no merit to petitioner's argument that the Board's generation of a clerk's report on the specifications of objections after the July 19th letter demonstrates that the Board's determination on July 19th was not final. In this regard, the Board had an obligation to complete the clerk's report in order to create a complete record should the Board's determination on the prima facie cover sheet defect be overturned in subsequent litigation. Further, the relations-back doctrine has no application in an Election Law proceeding.

As a final matter, the court finds that even if petitioner's validating proceeding had been timely commenced, his designating petition was properly ruled invalid by the Board based upon a fatal cover sheet error. In particular, it is undisputed that petitioner's second amended cover sheet claimed the petition volume KG 1301377, but failed to indicate that petitioner's name only appeared on pages 137 to 144 and 151 to 152 of this volume. Furthermore, this defect was not corrected by petitioner until July 24, 2013, when he filed a third and fourth amended cover sheet. While it is well settled that the Board may not reject

a designating petition based upon a minor cover sheet error when the cover sheet is otherwise in substantial compliance with the Election Law, this does not hold true when the defect presents a risk of fraud or confusion (*Matter of Krance v Chiaramonte*, 87 AD3d 669 [2011]; *Matter of Magelaner v Park*, 32 AD3d 487, 488 [2006]). Here, petitioner's failure to identify the handful of petition sheets upon which his name appeared in the subject volume would likely prevent the objectors from reviewing and challenging the signatures on these sheets. Moreover, the last day to file specifications of objection was July 22, 2013, two days before the defect was corrected.

Accordingly, the instant validating proceeding is denied and dismissed as it was not timely commence under Election Law § 16-102 (2).

This constitutes the decision and order of the court.

ENTER FORTHWITH,



J. S. C.
HON. DAVID L. SCHMIDT



Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D39124
W/htr

____AD3d_____

Argued - August 13, 2013

MARK C. DILLON, J.P.
DANIEL D. ANGIOLILLO
THOMAS A. DICKERSON
JEFFREY A. COHEN, JJ.

2013-07993

DECISION & ORDER

In the Matter of John F. Gangemi, appellant,
v Board of Elections in the City of New York, respondent,
Shana Trotman, et al., respondents-respondents.

(Index No. 700027/13)

In a proceeding pursuant to Election Law § 16-102, inter alia, to validate a petition designating John F. Gangemi as a candidate in a primary election to be held on September 10, 2013, for the nomination of the Democratic Party as its candidate for the public office of Brooklyn Borough President, the petitioner appeals from a final order of the Supreme Court, Kings County (Schmidt, J.), dated August 8, 2013, which dismissed the proceeding as untimely.

ORDERED that the final order is affirmed, without costs or disbursements.

“A proceeding with respect to a petition shall be instituted within fourteen days after the last day to file the petition, or within three business days after the officer or board with whom or which such petition was filed, makes a determination of invalidity with respect to such petition, whichever is later” (Election Law § 16-102[2]). Here, the petitioner was notified on July 19, 2013, that his designating petition had been invalidated by the Board of Elections in the City of New York (hereinafter the Board) pursuant to rule D6 of the duly adopted Designating Petition and Opportunity to Ballot Petition Rules for the September 2013 Primary Election (hereinafter rule D6). Rule D6 provides for a final determination of invalidity upon a potential candidate’s failure to cure a defect within his or her designating petition (*see Matter of Leroy v Board of Elections in City of N.Y.*, 65 AD3d 645, 645).

The petitioner commenced this proceeding on August 2, 2013, which was 22 days

Page 1.

August 14, 2013

MATTER OF GANGEMI v BOARD OF ELECTIONS IN THE CITY OF NEW YORK

after the last day to file the designating petition, and 10 business days after the Board determined that the designating petition was invalid. Accordingly, the Supreme Court properly dismissed the proceeding as untimely (*see* Election Law § 16-102[2]; *Matter of McDonough v Scannapieco*, 65 AD3d 647, 648; *Matter of Leroy v Board of Elections in City of N.Y.*, 65 AD3d at 645-646; *Matter of Sayegh v Scannapieco*, 10 AD3d 439).

In light of the foregoing, the petitioner's remaining contentions have been rendered academic.

DILLON, J.P., ANGIOLILLO, DICKERSON and COHEN, JJ., concur.

ENTER:



Aprilanne Agostino
Clerk of the Court

Page 2.

August 14, 2013

MATTER OF GANGEMI v BOARD OF ELECTIONS IN THE CITY OF NEW YORK